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**P**ROCEEDINGS OF THE PROVIDENCE  
CONFERENCE FOR GOOD CITY  
GOVERNMENT AND THE THIRTEENTH  
ANNUAL MEETING OF THE NATIONAL  
MUNICIPAL LEAGUE

*National Conference*

Held November 19, 20, 21, 22, 1907...

At Providence

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CLINTON ROGERS WOODRUFF, EDITOR.

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NATIONAL MUNICIPAL LEAGUE

1907

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## PREFACE.

THE Providence meeting of the National Municipal League was a striking one in many ways. It was largely attended, the discussions were interesting, suggestive and to the point, and the joint sessions with the American Civic Association were a decided success. It will long be remembered as marking a distinct forward step in the development of a wider coöperation among organizations interested in improving municipal conditions. Besides the separate meetings, the League and the Association each held a series of joint meetings. There were in all seventeen sessions and eighty-one speakers.

The present volume contains all of the papers presented for the consideration of the League and those presented at the joint session on Municipal Health and Sanitation. The latter represent the inauguration of a careful and thoughtful study and investigation of the relation of the city to the health of its citizens through a special committee appointed for the purpose.

The discussion on electoral reform was continued, the desirability of excluding the influence of national issues and national parties in local elections being given special consideration. To carry forward the constructive work of the League along these lines a Committee on Electoral Reform was authorized to carry forward and complete the work already inaugurated by the Committee on Nomination Reform.

The four papers on the Galveston, Des Moines and Newport plans and the Chicago situation constitute a very helpful addition to the discussion of the reorganization of our cities. Dr. Munro's paper, which occupied over a year in the preparation, represents the most thoughtful study of the now famous Galveston plan which has thus far been made. The contribution is a notable one and will unquestionably prove of the greatest help to all who are interested in this phase of the municipal problem.

The length of the Secretary's review of municipal events may be taken as an indication of the growth of interest in municipal affairs and of the rapidly widening public interest in the correction of present-day evils and the establishment of higher standards.

This volume as each of its predecessors records an advance in the League's work, whether considered from the numerical standpoint or that of influence and helpfulness. Each year sees a larger and wider demand upon the League for advice and for suggestion and information. Unfortunately nearly all the editions of the preceding volumes of Proceedings have been exhausted. Steps must shortly be taken to republish some of the papers of permanent value. The new edition of the Municipal Program is in process of preparation, as is a volume on the subject of Uniform Municipal Accounting, both of which it is hoped will be issued during the year 1908.

The Committee on Municipal Taxation completes its labors with a series of important papers dealing with this subject from various points of view and making a distinct contribution to the constructive work of the League.

It is interesting to note that the deliberations of the National Municipal League have not only attracted a country-wide attention, but are receiving the attention of foreign students and administrators. The number of inquiries concerning its publications and reports, both at home and abroad, continues to grow apace, and is a source of much encouragement for those who have steadfastly supported the League in its work from the beginning, and for those who have, by membership and coöperation in recent years, aided in bringing it to its present state of development. The League is essentially a democratic body, depending upon the support of the many rather than upon the support of the few. No small part of its vitality and usefulness is due to this fact, which is herein referred to with the hope that the members will continue to coöperate in extending the membership of the League and a knowledge of its activities and publications.

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**THIRTEENTH ANNUAL MEETING OF THE  
NATIONAL MUNICIPAL LEAGUE**

**AND THE**

**FIFTEENTH NATIONAL CONFERENCE FOR  
GOOD CITY GOVERNMENT**

**HELD AT**

**BROWN UNIVERSITY, PROVIDENCE, RHODE ISLAND,**

**IN CONJUNCTION WITH THE**

**AMERICAN CIVIC ASSOCIATION,**

**November 19, 20, 21 and 22, 1907.**

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**JOINT MEETING.**

**TUESDAY AFTERNOON SESSION.**

**MANNING HALL, *Tuesday, November 19, 3:00 p. m.***

THE meeting was called to order by Mr. Charles Richardson, of Philadelphia, First Vice-President of the National Municipal League.

THE CHAIRMAN: As you will see by the program, this is a joint meeting of the National Municipal League and the American Civic Association. You will also see by the program that the President of the National Municipal League, the Attorney-General of the United States—I am trying to give him his titles in their proper order of precedence—was to preside. I am sorry, on account of all of us, and especially on my own account that there has been an unavoidable delay in Mr. Bonaparte's arrival; and it becomes my duty, as one of the Vice-Presidents of the National Municipal League, to introduce the speakers of this afternoon.

I think that if Mr. Bonaparte were here he would comment on the fact that the program allows half an hour for the chairman to make his remarks and for six speeches. In view of that fact, I think he would do as I propose to do: proceed immediately to the introduction of the other

speakers. The first speaker I will call upon is Governor James H. Higgins, of Rhode Island.

**Governor Higgins:** *Mr. Chairman, Ladies and Gentlemen:* It is seldom, indeed, that a City and a State are so signally honored as are Providence and Rhode Island to-day. The distinguished character and high reputation of the delegates who are present guarantee us, indeed, an intellectual and economic treat for the next few days.

**Address  
of Welcome**

We believe that your mission at this time is particularly appropriate; that the questions which you are to discuss and upon which the American nation and the various states look to you for assistance are especially important now. Some one has declared that the greatest failure of the American Republic is in its municipal misgovernment. Recent exposures have, indeed, done much to justify that charge. We have seen the people's money squandered by hundreds, by thousands, and by millions in our large cities at the hands of incompetent and corrupt city

**The Univer-  
sality of  
Conditions**

officials. We have seen these conditions prevail under administrations of both parties and of various classes. We have seen the wickedness of capitalistic Philadelphia, for example, equalled only by the wickedness of labor San Francisco; the infamy of Republican municipal mismanagement equalled only by the infamy of Democratic municipal mismanagement. If your deliberations, therefore, shall result in pointing out to an aroused American public some measure, some plan or some system by which the errors of the past and of the present may be reduced, by which the possibilities for misconduct and misgovernment may be lessened, by which municipal economy and municipal decency may in some small degree at least be promoted, then you will indeed have performed an everlasting and a patriotic public duty.

I do not go so far as to declare that all our cities are thus misgoverned, but there are enough of them to justify the alarm and suspicion of our great public. The chief problem, therefore, before our people is to minimize the evils thus suggested. Not until the millennium arrives can we hope for complete perfection. As Victor Hugo says very aptly: "The least possible amount of sin is the law of mankind; no sin at all is but the dream of angels."

We welcome you to Rhode Island to-day in our broad and unselfish spirit of hospitality. We do not assume any holier-than-thou spirit, but we do claim for our ancient commonwealth a fair degree of good government and of loyal devotion to civic ideals. To all looking for a betterment in public affairs; to all who come among us, as do you, prompted by the noble spirit of lightening the burdens of the taxpayer, of increasing opportunities and of brightening the prospects of the American citizen—to all such Rhode Island extends a cordial and a whole-souled greeting.

May your discussions here result in pointing, in generous ways, to higher things. May you be impressed with our spirit of welcome, and, at the conclusion of your deliberations, may you carry back to your respective communities happy recollections of our State and pleasing remembrances of the welcome which Rhode Island extends to every visitor from far and near. [Applause.]

THE CHAIRMAN: We will now have the pleasure of hearing from the Hon. P. J. McCarthy, Mayor of Providence.

MAYOR MCCARTHY: As Chief Magistrate, I have the honor of greeting you in cordial welcome to our beautiful city of Providence, in the little State of Rhode Island. I bid you welcome on behalf of the city government and of the people, and we all thank you for favoring our city by holding your convention here, because of the many undeveloped natural advantages our city possesses, and the many municipal reforms which have been advocated many years and require the attention of the city government and public. I am sure that the State and all our Rhode Island cities will benefit by your meeting here.

Your are to be congratulated upon the great work you have inaugurated in the United States. The action of Congress, procured through the force of public opinion cultivated by your organization, insuring the preservation of Niagara Falls, proclaims your mission and usefulness to the nation as public benefactors promoting good government in the highest sense and as pioneers in the realm of art, in the development of natural advantages and resources, beauty, economy, efficiency and honesty in municipal government.

Your coming to Providence at this time is most opportune. Our city is increasing rapidly in population and trade. Our trade accommodation facilities are inadequate, and still the city government has shown no indications of being aware of the facts. **Timeliness of Meeting** Whatever has been done toward improving our terminal facilities was inaugurated by the steam railways a few years ago, and with the coöperation of the city, resulted in using a large area of tide-flowed land and the re-location and erection of the Union Passenger Station.

The ocean flows into Narragansett Bay, the bay into Providence River, and there we have a fine harbor, which, with the dredging done at the expense of the Government, affords a valuable commercial asset that the city should avail itself of by acquiring title to so much of the harbor front as may now be procured. All but about 1,000 feet front on the west side has been taken by the New York, New Haven & Hartford Railroad Company and other private parties. All our mayors since 1864 have advocated municipal ownership of the water front, and the proposition is annually referred to the City Council, without effect.

Our city is in need of about all the advantages and improvements you advocate: Playgrounds for children, outdoor summer schools, public bathing accommodations, sanitary arrangements for public schools, regulations for bill-boards, street signs, business signs, public market, public-comfort stations, rest and shelter for street-car passengers, revision of city charter, equitable tax laws, including tax on mortgages; equitable system of accounting to the city for its portion of gross earnings of public-service corporations, and reform in the method of nominating candidates for public office.

**Needed Local  
Improvements**

Our Board of Trade should become a factor in municipal government and development. A city as large as Providence should have a real estate exchange, a commission on public utilities similar to that of New York, laws regulating trust companies and monopolies, laws dealing with public and private corporations and regulating over-capitalization, non-partisan primary meetings for nomination of candidates for public office, abolition of the property qualification for election of members of the City Council, establishment of the eight-hour day for municipal laborers and mechanics, prohibiting city officials from contracting with the city, return of election expenses by candidates, consideration of electric damage to water-mains and all building structures, tree culture and protection, reports of members of the legislature and town and city councils to their constituents annually, right of constituents to demand resignation of public servants, and other matters too numerous to mention here.

The proceedings of your conventions will create a public sentiment in Rhode Island for progress and reform. You will point out to us advantages and opportunities that we have been familiar with, but did not see until visitors came from abroad and told us. Providence congratulates itself upon your coming to her at this time, and wishes that every delegate will enjoy the visit and arrive home safely and well pleased with his or her sojourn.

THE CHAIRMAN: The next speaker is the President of Brown University, Dr. W. H. P. Faunce.

DR. FAUNCE: To our honored guests, on behalf of the University, its corporation, faculty, alumni and students, I repeat the words of welcome already spoken. Hospitality, like mercy, blesses him that gives and him that takes.

But hospitality means more than opening halls and hotels and houses. It means opening minds to new ideas and ideals; opening hearts in responsive sympathy; opening hands in coöperating endeavor. Such hospitality, I hope, you will find in Providence this week.

Do not think that we meet you in grudging spirit because, with little faith, we have offered you too small a hall at the very first session [laughter]; we promise to hold other sessions in the largest hall we have.

In the charter of this university—which, in many respects, breathes the spirit of the twentieth century, though written in 1764—there are only two provisions regarding the character of the instruction to be offered: first, that there shall be no sectarian instruction of any kind offered in the

**Teaching  
the Sciences**

university; and secondly, and still more remarkable, to quote its exact words, “the public teaching shall in general respect the sciences.” That in 1764 is somewhat noteworthy. We are here to-day, you and we, because we respect the sciences. Not only our ancient disciplines of mathematics and astronomy, but the more modern sciences of medicine, of applied chemistry and physics, of sanitation and hygiene, of political economy and social science—those new humanities which are taking their place beside the ancient classics, fairly transforming not only the face, but the spirit and temper of the modern world.

There are some organizations which meet in Providence—for this is rapidly becoming a convention city—which do not touch all people. When men come here to discuss the problems of Germanic philology or the higher mathematics or electrical engineering, some of us are discreetly absent, having learned wisdom by experience. But the problems that you are discussing this week are of vital concern to every city, every village, every hamlet, every home and every citizen between the two oceans.

Not to be interested in removing those things that debase our rural scenery; in dissipating the pall of smoke that hangs like a shroud over some of our fairest cities; in opening up great breathing-places for the common people; in public hygiene—not to be interested in these things is to be less than human. Not to care for the betterment of the government, of which each one of us is a part, is to cease to be a citizen altogether; and therefore to-day every calling, every profession and occupation, every creed and party and nationality is interested in what you are doing.

It may be that thousands will not be in attendance. But they will read what you say in the morning papers; they will ponder your attitudes and your decisions; and the judgment you render on these great problems will affect myriads who may not be in actual attendance these three days.

You will find some things in Providence that you will admire and some things not altogether admirable. You will find here a city rising out of the exaggerated individualism of its earliest history and beginning to enter on a period of genuine civic pride and devotion. You will find here a city government, headed by the incorruptible Mayor who has just spoken to you, that on the whole is as free from abuses, I believe, and as truly a government of integrity as that which we can find in

**Improvements  
under Way**

any city of its size in the country. You will find in Exchange Place, opposite the railway station which you entered, a plaza, which, now only in embryo, will some day be one of the finest in the country. You will find a metropolitan park system that has just been springing into being, with no opposition any-



where and with some actual enthusiasm. Your morning slumbers, it may be, will be disturbed by ominous rumblings beneath the earth. Be not alarmed; it does not portend earthquake or thunder or financial panic; it simply means that we are tunneling this ancient College Hill. We are projecting three tunnels through it, and one of them is now actually being constructed. Thus "the crooked places are being made straight and the rough places plain."

We have in Providence a younger generation of business men growing up; men who can help in celebrating "Old Home Week" here with as much enthusiasm and zest as any Western city; men who do not believe that the virtues of yesterday will be altogether sufficient for to-morrow.

Some other things that are not so admirable our Mayor has alluded to. You will see this beautiful Narragansett Bay, the finest sheet of water on our Atlantic Coast, ending in coal-dust and refuse. You will see large portions of our city nearly destitute of shade trees. You will see things that at once will suggest themselves to you as quite necessary, now and here. Your coming will inspire us, will uplift our ideals, will kindle our imagination; and so you will bless us as well as those far outside.

There are problems in this country quite as fascinating as those any war could create and almost as imperative. Two summers ago I was visiting Roberts College on the Bosphorus; and as I talked with one of the professors there, half professor and half missionary, who had been away from this country many years, I said to him: "Aren't you homesick sometimes for America?" And he said: "Homesick? No. Life in America seems very dull after one has been out here a few years. Why, the last time I was in America you were all discussing something about the silver question, and I saw no interest in it. Here we are discussing whether the Armenian race has any right to exist or whether it shall be butchered. Here we are discussing whether nations shall grow or shall be wiped off the face of the map. Things are dull in America; here is the world-center of interest." [Laughter.] But things are never dull in America to

men who have their eyes open and their hands ready **America's Part** for the tremendous task committed to our trust. There would be no Robert's College if it were not for things that are being done here in America. There would be no sympathy for the Armenian race if it were not for the morality and religion of the Occident. And what we are doing here is affecting every land to the remotest bounds of the world. So your sessions will not be simply academic discussions. They will come to us as with the sound of a trumpet, summoning us to go forth and work for our country, for its betterment, its uplifting, its beautifying; to go, in the lines of Goethe,

"In the good, the whole, the fair,  
Resolutely living."

[Great applause.]

**THE CHAIRMAN:** Mr. Oliver McClintock, of Pittsburg, will make reply on behalf of the National Municipal League to the kind welcomes we have received.

MR. MCCLINTOCK: *Mr. Chairman, Ladies and Gentlemen:* It is a matter of deep regret to the members of the National Municipal League that, owing to his inability to come at this hour, our response cannot be made by our President, the Hon. Charles J. Bonaparte, the Attorney-General of the United States, and that it is necessary to deputize another member of the League to say a few words in reply to the inspiring words of welcome that have been spoken by Governor Higgins, Mayor McCarthy and President Faunce.

I am sure that the fact that such distinguished citizens and the impressive list of hosts on the first page of the program have united in inviting the National Municipal League and the American Civic Association to hold their joint convention in this city is prima-facie evidence of the widespread public interest and sympathy for the objects of this convention, namely, the improvement of municipal government and the conditions of living in the cities.

I congratulate the people of Rhode Island and President Faunce on the fact that they have a college which feels such an interest in these questions that they have not only invited us to meet in their halls, but have also recognized in their curriculum the importance of good citizenship and the principles of good government.

One part of the wonderful work accomplished by the National Municipal League has been in this direction. We have inaugurated a movement that has already had a remarkable development in arousing colleges and higher institutions of learning to the importance of providing reference books on civics and social economics in their libraries and of imparting to their graduates some knowledge of good citizenship and the science of municipal government. We believe that by these means we are doing very effective work towards strengthening that weak point in our republican form of government which Governor Higgins has alluded to, namely, the government of cities.

We are glad to be here, and I would say that I am sure that you will be rewarded if you will meet with us; that nothing could be better for the students of Brown University as a part of their education than attendance upon the sessions of this convention.

I am a member of the Grand Army of the Republic. I have thought that there was no organization in the country that had nobler and more patriotic objects than are theirs, which are, in part, the fostering of patriotism among the people and the instilling a love for the flag and what it stands for, especially among our foreign-speaking people. But, I

#### **The League and Patriotism**

believe that the Grand Army of the Republic must yield the palm to the National Municipal League for its lofty purposes of patriotism without any admixture whatever of selfish motives. We must admit that there are those who say that the members of the Grand Army of the Republic

help each other to get office, and that they always have a watchful eye for an increase of the government pensions. If you will come to these meetings you will at once realize that you are in an atmosphere as bracing as that of the mountains, and you will be inspired by the high thinking and the unselfish devotion of our members toward these problems that relate to municipal government and better conditions of living. I am sure that you will be rewarded abundantly for any personal sacrifice. "Silver and gold have we none, but such as we have give we unto you." You have honored yourselves in honoring our cause. [Applause.]

THE CHAIRMAN: Mr. J. Horace McFarland, of Harrisburg, President of the American Civic Association, will respond to the welcomes for that organization.

PRESIDENT MCFARLAND: *Mr. Chairman, Governor Higgins, Mayor McCarthy, President Faunce, Ladies and Gentlemen:* I may speak to you very briefly, I trust, from the double standpoint of being not only President of the American Civic Association, but a member of the National Municipal League. I thank you very heartily, gentlemen, and the associations affiliated in this welcome, for the glad-hand you have given us. We sincerely trust that our departing footsteps may not be met with the same gladness because of anything we may have said in criticism or in condemnation. We come to you with a

**A Singularly Complete Outfit** singularly complete outfit, for we include in the National Municipal League those who study civic problems at first in the abstract and then turn them into the concrete. I have been inclined to suggest that the National Municipal League represented the man at his desk and the American Civic Association represented the man with his sleeves rolled up digging the mud out, but I am reminded that I heard a few years since the city accountant of Chicago describing in a meeting of the National Municipal League how the methods of accounting fostered under its organization had saved to the city of Chicago a million dollars in a year, and that it was the presiding officer, Mr. Deming, who said, "And this is from an association of dreamers!"

The American Civic Association comes to the problem from the standpoint of dealing with the humblest phase. We hear from the woman in Florida, who wants to know how she may keep the pigs off the street; then we hear the Macedonian cry to come and save Niagara. We are asked how billboards may be combated; and then we are told the Grand Canyon of Colorado is in danger and we must do what we can to arouse the country to a sense of its duty in that respect. We are asked from some little community how they may have shade trees; and then again comes the cry from your own New England how she may save the White Mountains. Thus our work, nation-wide in its scope, comprehensive in its character, touches every community in every state. And it does not stop, ladies and gentlemen, in the cities, for the principles and the practices fos-

tered by the National Municipal League are just as useful to the crossroads hamlet as they are to the proudest city. We join hands with our sister organization, the National Municipal League, in coming to you to-day and during this week, because we shall, by that means, set before you both the higher considerations of accounting and taxation and government, and the execution of those considerations in the practice of city work and city living.

We feel, gentlemen and our hosts, particularly pleased to have Governor Higgins speak of Rhode Island with pride, for Rhode Island, small as she is, sets an example to all the country. Is she not prominent in public affairs? Does she not have weight in the United States of America in proportion to her learning and her achievements rather than in proportion to her acres?

And to the Mayor we feel like saying: If you need us, we are only too glad to be called upon, for if Providence needs everything for which we stand, we have it here to give, as my predecessor has said, "without money and without price."

Attend our sessions if you will; put hard questions to us if you have a chance in an overfull program, and get what you can out of us; for I assure you that we come here with an unselfish spirit and desire as well to serve as to be served.

President Faunce has spoken of the hospitality which not only extends the open hand but provides the open mind. I like that, for it means that the real purpose of the sessions of these organizations in a large city is to be accomplished. Our work might as well otherwise be done in any small town, for there are not very many of us.

We are, if you please, a gathering of cranks, perhaps of dreamers [laughter], sometimes enthusiasts. We admit the impeachment that we are enthusiasts. We are those who talk in terms of human lives, who speak with the desire to make America more beautiful, who lie awake nights devising plans whereby we may hold America in all its native grandeur without in the least interfering with any legitimate industry. That is why we think we make a special appeal to a city and to a State so prominent, a State prominent because it has proposed one thing which tends strongly toward concrete and splendid results: an individual plan for a vast park system development. In this metropolitan park system which has been alluded to, Providence has a matter of pride and of prospect, and I sincerely trust that the time may not be far distant when the prospect will give way entirely to the pride of accomplishment, and that we may again be invited to Providence to view the completed metropolitan park system, unmatched elsewhere in America.

Ladies and gentlemen, we thank you for your hearty welcome. We trust that we may have your sympathetic attention, and we believe that among the cranks and the enthusiasts and the dreamers who are with

you this week there are those who have some practical ideas which may be of service to you. [Great applause.]

**THE CHAIRMAN:** Now, we shall have the pleasure of listening to greetings from our sister cities and fellow-workers in the great country north of our northern boundary. The Hon. W. D. Lighthall, of Montreal, will speak for the Canadian cities.

**MR. LIGHTHALL:** *Mr. Chairman and Gentlemen:* I am glad to acknowledge the prominent places on your program which you have accorded to my country. The municipalities of Canada, of whom I bear the greetings, know well that this is done because of your sincere desire to do them honor. Kipling has remarked that we are all the same old impenitent

**Americanadians** sons of Adam, but we, Canadians and Americans—I would like to coin the word "Americanadians" [applause]—feel in our bones that our kinship is too near for it to be necessary for us to go so far back. With some races we are constrained to return to the "missing link" to find some common ground; but the people of the United States and the people of Canada are practically one in all but differing experiments of government—and very proper experiments too. We are formed of the same flesh and blood, we speak the same language, we inherit the same political liberties, and even our municipal systems and movements are twins. Ours is a great destiny like yours, for we have a country about as large, and nearly as rich, as your own, full of wonderful hopes and growing cities; and we hope to build up on this continent a nation mighty for good and for the welfare of humanity. We are members of a great imperial fraternity, counting one-fourth of the children of men, and controlling the white man's lands over most of the globe; but our situation is such, by your side on this North American Continent, which Josiah Strong has well named "the Great Home of the English-speaking Race," that it is inevitable that we shall yet give proper form and voice to all our interchange; that we shall yet find some intimate, some permanent, some definite and regular bond of unity with you—such that none shall say we are apart, except in so far as apartness makes for liberty of development. My own view is that the necessary form of union will come in the shape of an annual general conference between the two nations, on the same principles, perhaps, as our Imperial Conference. But in the meantime, conferences

**The Union  
of Canadian  
Municipalities**

such as we see here to-day are parts of that great and living interchange. The Union of Canadian Municipalities illustrates well these natural bonds. Our municipalities are as like to yours as peas in the same pod: our problems and yours are but forms of each other. We have learned much from you, and from some items on the program it seems possible that you can, perhaps, learn a little from us. Our Union of Municipalities, which now extends from the Atlantic to the Pacific in the form of a

string of influential and active provincial unions, was forced to form itself by the aggression of trusts and charter-grabbers similar to some of yours. It has had great success in routing speculators upon the rights of citizens, and has placed many protective provisions on the different statute-books of the Dominion. You will, doubtless, regard with surprise the fact that party politics have no place in it. With its assistance, as a body, for the intercommunication of improvements and protective expedients, the municipal systems of whole provinces are being formed and government policies adapted; and whatever you have to give us of the kind is eagerly sought.

Gentlemen, as your co-workers in the same cause of municipal advancement, we give you our cordial greetings. And to quote Kipling once more, "A nation speaks to a nation." [Applause.]

The joint meeting then adjourned and a session of the National Municipal League was held in the same room, the American Civic Association holding a Conference on "The Work of Small Communities" in Sayles Hall.

**THE CHAIRMAN:** We will now have the pleasure of having the Secretary's annual review of municipal events, which he has this year denominated "Battling for Betterment." I present to you the Hon. Clinton Rogers Woodruff, of Philadelphia. [Applause.]

Mr. Woodruff then presented an abstract of his review, entitled "Battling for Betterment," which is printed in full in the Appendix.

**THE CHAIRMAN:** An unexpected turn in his official work has prevented Mayor Brand Whitlock from being with us this afternoon; but we have his important paper, which will be read to us by Mr. Robert Treat Paine, Jr., of Boston.

Mr. Paine then read Mayor Whitlock's paper on "The Evil Influences of National Politics and Issues in Municipal Elections." (See Appendix.)

### **WEDNESDAY MORNING SESSION**

The annual meeting of the National Municipal League was held in Room P of Brown Union, and was called to order by Vice-President Richardson.

**THE CHAIRMAN:** Before proceeding with the regular order of business this morning we would like to hear a few words from Mr. Ernest C. Kontz, of Atlanta, Ga., a member of our Executive Committee, who is compelled to leave shortly.

**MR. KONTZ:** I thank you very much for this opportunity to express, as a representative from the State of Georgia, the interest of our people not only locally in the city of Atlanta, but in the State of Georgia and in the

South, for the great work that you are doing. I believe that there is not an active, progressive community of our whole section—no, there are no sections—of our part of this great country that is not a debtor to you gentlemen and to your predecessors for the great work that is being accomplished in the matter of municipal government. I have said before, and I wish to repeat at this time, that Atlanta is debtor by many thousands of dollars to you; and while you may call yourselves dreamers, you are the bedrock of the mighty reforms that are taking place in this country at this time.

It is a source of very great regret that, after having looked forward for years to attending these meetings, and for a year to being present at this particular one, that a call of business should demand my return to my home this morning. I sought this opportunity of saying so much, and it has been a great pleasure to meet the ladies and gentlemen interested in this same subject that has occupied a great deal of my attention as a private citizen. I thank you very much. [Applause.]

THE CHAIRMAN: I think we ought to say to Mr. Kontz that we are very glad to hear from a point like Atlanta, which is one of the most interesting points in the whole Southern country—perhaps the most.

MR. KONTZ: I thank you very much.

THE CHAIRMAN: The first item in the regular order of business will be the report of the Committee on Nominations, which will be read by E. H. Pendleton, Esq., of Cincinnati, Mr. Butler, the Chairman, unfortunately being absent.

Mr. Pendleton then read the following report:

#### OFFICERS

*President*—CHARLES J. BONAPARTE, Baltimore.

*First Vice-President*—CHARLES RICHARDSON, Philadelphia.

*Second Vice-President*—THOMAS N. STRONG, Portland, Ore.

*Third Vice-President*—HON. HENRY L. McCUNE, Kansas City, Mo.\*

*Fourth Vice-President*—WALTER L. FISHER, Chicago, Ill.\*

*Fifth Vice-President*—HON. JAMES PHINNEY BAXTER, Portland, Me.\*

*Treasurer*—GEORGE BURNHAM, JR., Philadelphia.

*Secretary*—CLINTON ROGERS WOODRUFF, Philadelphia.

#### EXECUTIVE COMMITTEE.

HORACE E. DEMING, *Chairman*, 11 William St., New York City.

PROF. ALBERT BUSHNELL HART, 19 Craigie St., Cambridge, Mass.

ROBERT TREAT PAINE, JR., 85 State St., Boston.

HARVEY STUART CHASE, 27 State St., Boston.

\* New members of Board.

CHARLES S. DEFOREST, Box 305, New Haven, Conn.\*  
 DUDLEY TIBBETS, 33 First St., Troy, N. Y.  
 GEORGE HAVEN PUTNAM, 29 West 23d St., New York City.  
 CHARLES W. MCCANDLESS, 60 Wall St., New York City.\*  
 CHARLES H. INGERSOLL, 51 Maiden Lane, New York City.  
 WILLIAM G. LOW, 44 Cedar St., New York City.  
 FREDERICK ALMY, 19 Tupper St., Buffalo, N. Y.\*  
 HON. THOMAS M. OSBORNE, Auburn, N. Y.\*  
 CLARENCE L. HARPER, 715 Chestnut St., Philadelphia.  
 THOMAS RAEBURN WHITE, West End Trust Bldg., Philadelphia.  
 J. HORACE MCFARLAND, Harrisburg, Pa.  
 HON. GEORGE W. GUTHRIE, 434 Diamond St., Pittsburg, Pa.  
 OLIVER MCCLINTOCK, 219 Fifth Ave., Pittsburg, Pa.  
 PROF. HARRY A. GARFIELD, Princeton, N. J.  
 WILLIAM P. BANCROFT, Wilmington, Del.  
 CHARLES MORRIS HOWARD, Equitable Bldg., Baltimore, Md.  
 HON. HENRY B. F. MACFARLAND, Municipal Bldg., Washington, D. C.  
 ELLIOTT HUNT PENDLETON, 519 Main St., Cincinnati, O.  
 HON. L. E. HOLDEN, Cleveland, O.  
 HON. MORTON D. HULL, 1303 Chamber of Commerce Bldg., Chicago, Ill.\*  
 J. L. HUDSON, Detroit, Mich.  
 JOHN A. BUTLER, 123 19th St., Milwaukee, Wis.  
 HON. DAVID P. JONES, Minneapolis, Minn.  
 DWIGHT F. DAVIS, Westmoreland Place, St. Louis, Mo.\*  
 FRANK N. HARTWELL, 219 Main St., Louisville, Ky.  
 PERCY N. BOOTH, Kenyon Bldg., Louisville, Ky.\*  
 ERNEST C. KONTZ, Century Bldg., Atlanta, Ga.  
 JAMES H. CAUSEY, Ernest Cranmer Bldg., Denver, Colo.  
 ERASTUS BRAINERD, *The Post Intelligencer*, Seattle, Wash.\*  
 FRANK J. SYMMES, 2231 Piedmont Way, Berkeley, Cal.  
 CHARLES D. WILLARD, 213 Bullard Block, Los Angeles, Cal.\*  
 Signed, JOHN A. BUTLER, Milwaukee.  
 CHARLES S. DE FOREST, New Haven.  
 HARRY A. GARFIELD, Princeton.

THE CHAIRMAN: Gentlemen, you have heard the report oof the Committee on Nominations; what action will you take?

A motion was made by Mr. Burnham, and seconded, that the Secretary cast one ballot for the nominations as read.

THE CHAIRMAN: It is perhaps unavoidable that a member who is on that list should put the motion and other members who are on the list should vote for it, but I think we all understand that there is no man who has sought a position on the list. Those in favor of that motion will please say aye.

On vote, the motion was carried unanimously.



## PROVIDENCE CONFERENCE

MR. WOODRUFF: Mr. Chairman, I announce that I have cast a unanimous ballot, at the direction of the League, for the officers as nominated by the committee.

THE CHAIRMAN: It is so recorded. The next item on the program is the report of George Burnham, Jr., of Philadelphia, Treasurer. We shall be glad to hear from Mr. Burnham.

MR. BURNHAM: *Mr. Vice-President, Ladies and Gentlemen:* The fiscal year of the Municipal League ends on the 30th of March; and though our report as usually presented at our fiscal year corresponds with our annual meeting, it doesn't happen so on this occasion; therefore, my report is to the date of April 1st of this year.

## TREASURER'S REPORT, APRIL 1ST, 1907.

## RECEIPTS.

Balance April 1, 1906.....	\$275.12
From contributions .....	4,491.49
From members' dues.....	5,425.00
From sales of Proceedings.....	583.43
	<hr/>
	\$10,775.04

## EXPENDITURES.

For printing and stationery.....	\$1,689.06
For postage .....	1,056.11
For salaries and clerical work.....	3,911.58
For news clippings.....	108.48
For general expenses.....	388.02
For traveling expenses .....	134.15
For Membership Committee expenses (New York and Boston) ..	210.00
For printing New York Proceedings (balance).....	984.84
For printing Atlantic City Proceedings (part).....	691.69
For clipping sheet.....	576.65
For Baldwin Prize.....	100.00
	<hr/>
	\$9,850.58
April 1, 1907. Balance carried forward.....	924.46
	<hr/>
	\$10,775.04

So that we show a satisfactory and healthy growth in the matter of our expenditures and our ability to provide revenues for them.

MR. WOODRUFF: You might announce, too, that we are out of debt for the first time in many years.

MR. BURNHAM: Well, we have been very fortunate in that respect.

THE CHAIRMAN: It is very pleasant to hear that we are solvent in times like these [laughter], and we may hope that the prospect of increasing the currency will indirectly benefit the League and lead to larger contributions. What order will you take on the report of the Treasurer?

MR. BURNHAM: Mr. Chairman, I should like to say that the account for April, ending with the current fiscal year, the last fiscal year, has not been audited because we had no meeting; and I should like to see an auditing committee appointed to audit those accounts. I have the vouchers and books with me.

A motion was made by Mr. Woodruff, duly seconded, that an auditing committee be appointed to audit the Treasurer's accounts, as requested. The motion was carried.

MR. BURNHAM: I desire also to present the following supplemental report bringing up the totals to date from April 1, 1907, and comparing them with the figures for a similar period last year.

November 18, 1907.

Receipts.....	\$6,737.10
Expenditures.....	5,589.04
	<hr/>
Balance.....	\$1,148.06

November 19, 1906.

Receipts.....	\$6,446.36
Expenditures.....	4,997.40
	<hr/>
Balance.....	\$1,448.96

I think you will also find the following totals of expenditures of interest:

#### COMPARATIVE STATEMENT OF EXPENDITURES.

Year ending June, 1900.....	\$2,518.69
" " May, 1901.....	2,652.65
" " " 1902.....	4,351.16
" " April, 1903.....	4,193.15
" " " 1904.....	7,118.93
" " " 1905.....	8,089.79
" " " 1906.....	8,862.17
" " " 1907.....	9,850.58

THE CHAIRMAN: I will ask Mr. Oliver McClintock and Dr. Edward M. Hartwell to act on the Auditing Committee. The next item is the report of committees. First is Mr. Deming's report as Chairman of the Executive Committee.

MR. WOODRUFF: Mr. Deming's voice is temporarily disabled by a severe cold and he has asked me to present his report for the Executive Committee.

#### **Executive Committee Report**

The members of the League will recall that shortly after April 1st they received a report giving the Treasurer's statement to April 1st, and a sketch of the work of the various committees were then undertaking.

The Executive Committee is a business body entrusted with the active executive management of the work of the League. It has had the busiest year of its existence; and while the Treasurer's report, to which you have just listened, shows a very satisfactory condition of the League's finances, the need for money is greater now than ever before, simply because our work has grown so much that it requires a very considerable amount more to carry it on.

The subject of the Baldwin Prize for the year 1906 was "The Relation of the Municipality to the Water Supply." The prize was awarded to Thomas A. Thacher, a member of the junior class of Yale University, with honorable mention of Mr. A.

#### **Baldwin Prize**

E. Pinanski, of Harvard University. The committee of judges were Professor Hector J. Hughes, of Harvard; Professor J. W. Garner, of Urbana, Ill., who is a member of the faculty of the University of Illinois, and Thomas Raeburn White, of Philadelphia. The committee of judges, in making its report, stated that it had had great difficulty in determining who was entitled to the first prize, because of the uniform excellence of the essays. There were nine of them submitted; they were all of a very high order of merit, showing very careful research and preparation. The subject for the current year selected by the committee having the matter in charge is "The Relation of the Municipality to the Transportation Service."

During the past year a committee was appointed to investigate and report upon the extent of the application of the principles of the Municipal Program of the League. It consists of five men—and I think we may say, without undue praise, that they may be considered experts—Dr. Bailey, who has a class of upwards of two hundred in the study of municipal government at Yale; Mr. Pierson of the University of Pennsylvania, Dr. Munro of Harvard, Professor Sparling of the University of Wisconsin, who are conducting similar courses, and Dr. Wilcox, who is Secretary of the Municipal League of Detroit. This committee is studying the extent to which the principles enunciated in the Municipal Program have been actually incorporated in the laws of the different states and in city ordi-

nances. The work has been divided and different sections of the country have been assigned to special members of the committee, with sub-committees to assist. A study as comprehensive as this will require a very considerable length of time, perhaps several years, before the committee has anything final to report. The returns are coming in, but the value of the work will depend on the care taken, and the character of the committee justifies confidence that care will be taken. The following is Dr. Bailey's formal report:

In January, 1907, a committee was appointed, consisting of W. B. Bailey, Yale, Chairman; W. B. Munro, Harvard; W. W. Pierson, University of Pennsylvania; S. E. Sparling, University of Wisconsin, and D. F. Wilcox, Detroit, Mich., to "ascertain the extent to which the principles promulgated by the National Municipal League

#### **Application of the Principles**

in the 'Municipal Program,' in the 'Reports on Municipal Reform and Municipal Accounting' and its various other reports, have been incorporated in recently enacted laws and ordinances." After correspondence and consultation with Mr. Deming, Chairman of the Executive Committee, and Mr. Woodruff, Secretary of the League, the following statement and questionnaire were drawn up:—

"There are certain principles which the National Municipal League considers fundamental to the efficient administration of the government of American cities. Among them may be mentioned the following:

"1. The politics of the cities should be concerned with local issues. As far as possible state and national questions should be excluded from local political campaigns.

#### **Of the Municipal Program**

"2. Each city should be free to form and carry out a local policy suited to its local needs, and should have whatever powers are requisite for this purpose without resort to the legislature for the specific grant of this or that power.

"3. A city charter should make it possible at all times to fix the responsibility for the conduct of local affairs upon local officials who are locally elected, or if not locally elected, are accountable to locally elected officials.

"4. The officials of a city's administrative service should be appointed solely on account of fitness to do the work entrusted to them, and their partisan political views should have no influence upon their selection. Their business is simply to do to the best of their ability the work before them.

"A committee was recently appointed by the National Municipal League to determine, as far as possible, to what extent the principles to which reference has been made are operative in the government of American cities. Such a task could not be placed upon any one individual, but it has been thought that by properly dividing the field and coördinating the efforts of several trained men it will be possible to cover enough territory to make a study of considerable value. It has been decided to ask the

professors of several colleges to conduct an investigation of this kind with respect to the states of which they are at present residents. It is suggested that much of the work can be done by students who are interested in the problem of municipal government. It is probable that the work for a number of states can be accomplished during the college year 1907-1908. In order that the returns may be fairly uniform the following questions are suggested as offering suitable topics for investigation:

**The  
Questionnaire**

1. (a) What attempts are made in local political campaigns to separate local from state and national issues?  
 (b) Are the local elections held at a different time from the state elections?  
 (c) If so, state the dates of the two elections and whether and how far this separation of the elections diminishes the influence of national partisanship in the local campaigns.
2. (a) What powers are granted to the cities by the state legislature?  
 (b) Does each city in the state have its own special charter? If not, what is the method followed in the granting of charters to cities?  
 (c) Do the cities find it necessary, in order to meet the needs of the locality, to appeal frequently to the state legislature for new powers or the enlargement of powers already granted?  
 (d) What supervision does the state legislature exercise over the local finances?
3. (a) How often are local elections held?  
 (b) What local political officers are elected?  
 (c) For how long terms?  
 (d) What local political officers are appointed and by whom are the appointments made?  
 (e) What local administrative officers are elected?  
 (f) For how long terms?  
 (g) What officers of the local administrative service are appointed and by whom are the appointments made?  
 (h) Are local administrative officers ordinarily appointed as a reward for political service?  
 (i) How are dishonest or incompetent local officials removed?  
 (j) Is there any civil-service system regulating appointments to the local administrative service? If so, what is the system and what local administrative officers are subject to its rules?  
 (k) Are the various local boards or commissions partisan, bi-partisan or non-partisan?
4. What method of nomination of local officers is in operation?
5. Is police administration in the cities under the control of local or state officials?
6. (a) What authority prescribes and what authority enforces the system of accounting in the financial transactions of the city?



- (b) What, if anything, has been done to make it possible to have an intelligent comparison of the financial transactions of one city with those of another?
7. What local administrative work is in the hands of state officers (individuals or boards)? And if there be state officers charged with local administrative work, how are such officers appointed or elected and how removed?
8. Is the execution of any important state laws entrusted to city officials? If so, state these laws and the effect upon local politics of entrusting city officials with the execution of these laws.

"It was decided that during the college year 1907-1908 the work should be limited to five states, and that to each member of the committee should be entrusted the task of the preparation of a report upon the state of which he is a resident. It is, therefore, to be hoped that within a year a series of reports will be completed dealing with Connecticut, Massachusetts, Michigan, Pennsylvania, and Wisconsin. With these reports as models it is the hope of the committee that within two or three years the legislation of the remaining states may be reviewed.

WILLIAM B. BAILEY, *Chairman.*"

During this, as in previous years, we have issued from time to time clipping-sheets bearing not only on the special work of the League, but upon many important questions involved in the discussion of the municipal problem. The sheets have not been sent out as frequently as in former years simply because we wanted to get out of debt. The League is now out of debt, and we hope that during the coming year our budget will be able to afford a more generous provision for this clipping-sheet service. The clipping-sheets not only aid our members to keep informed concerning municipal problems, but are very widely used by newspapers and editors throughout the country.

About a year ago it came to our knowledge that the supply of books on municipal government was inadequate to meet the demands of the students of that subject in Harvard University. One of our members, a graduate of Harvard, undertook to raise a special fund among Harvard men to supply this need; and I am glad to say that Harvard has now a very considerable working library on the subject; and I know from personal observation that this is constantly and extensively used. Another of our members, who is a Yale man, proposes to undertake the creation of a similar library in Yale University; and yesterday at the meeting of the Executive Committee steps were taken to prosecute this work still further, as it was deemed that no more important work could be done than to supply the young men now in the universities and colleges with adequate working libraries for their study of municipal conditions.

The first edition of our Municipal Program has been out of print for

some time. The demand for it continues to grow with each year and a new edition is in course of preparation. There has been so much written on the subject and so much more light thrown on the question and so much development of sentiment along the lines represented by the principles of the program since the publication of the original edition that it has been thought best to rewrite it—of course without changing the conclusions reached or the principles laid down, but in order to make a more effective handbook for those who are likely to use it. This is a work which must be done, if done well, rather slowly, and it may be several months yet before the book will be sent to the printers. A committee of the League has undertaken to underwrite the expense of this new edition. The expense of the first edition, you remember, was advanced by a small committee, headed by our late President, James C. Carter. Their advances were long ago returned out of the sales. The same course will be followed in connection with the new volume.

You will remember that we have two classes of membership: affiliated and associate. The affiliated members are organizations; the associate members are individuals. We have now about 135 affiliated members. We have secured a fairly complete census of the membership of these organizations, although some, by reason of local rules, are not permitted to give out that information. The totals, so far as we have them, indicate that there are enrolled between 60,000 and 70,000 members in the 135 organizations represented in the National Municipal League.

During the past year the number of our associate membership has steadily increased and there have been very few resignations. There have been a few more this month than in the preceding period, for reasons that I think are obvious, but the number of resignations is smaller in the National Municipal League than in any other organization of which I have any knowledge, and the promptness with which members pay their dues is exceeded by few organizations. That, I think, speaks very strongly for the esteem in which the League is held by its members.

On April 1st of the present year there were 1,348 associate members enrolled on the League's books. There have been added since, in April, 9; May, 22; June, 10; July, August, September, 17; October 28—a total of 86, which was in excess of the similar additions during the corresponding period last year.

We keep in the office of the League in Philadelphia a list of the various organizations that are interested in municipal reform. Some of them are affiliated members; but we endeavor to keep in touch with all the organizations of which we have any knowledge whether they are members or not, in the hope that we may be useful and helpful to them, and in return they may be useful and helpful to us. This census of organizations inter-

### **Municipal Program**

### **Membership**

### **Municipal Organizations**

ested in municipal reform is taken on the 1st of April of each year, which, as Mr. Burnham has explained to you, is the date of the beginning of our fiscal year. April 1st, 1905, we had a record of 892 such organizations; on April 1st, 1906, we had a record of 1,149; and on April 1st, 1907, we had a record of 1,320 organizations.\* This shows a very healthy and substantial yearly growth of interest in the betterment of city government. We eliminate from our list the organizations which come into being and perform their functions and pass out of existence. The figures we have given are intended to include only active organizations. When you consider that they are scattered all over the United States and are working with more or less persistency and success, they constitute a most hopeful feature of the situation.

As compared with 1894, when the National Municipal League was organized, the showing is simply overwhelming. In that year the record we had was of about fifty-two organizations. In that time the number has increased to the present figure. This number includes a very considerable number of business organizations, which are coming more and more with each year to take an active interest in the study of municipal government and to contribute largely to its solution.

**THE CHAIRMAN:** You have heard the report of the Executive Committee. It will be accepted and filed.

\* NATIONAL MUNICIPAL LEAGUE.

Total Number of Members and Subscribers in Each State.

STATE.	April 1, '05	April 1, '06	April 1, '07	STATE.	April 1, '05	April 1, '06	April 1, '07
Alabama.....	2	3	3	New York.....	239	372	365
Arizona.....	1	1	1	North Carolina.....	..	2	2
Arkansas.....	..	1	2	North Dakota... ..	..	..	1
California.....	12	18	29	Ohio.....	34	44	56
Colorado.....	4	6	9	Oregon.....	6	9	10
Connecticut.....	16	23	29	Pennsylvania.....	169	183	210
Delaware....	2	4	5	Rhode Island.....	11	14	18
Dist. Columbia.....	8	11	13	South Carolina.....	5	3	2
Florida.....	1	1	3	South Dakota.....	1	1	3
Georgia.....	1	4	8	Tennessee.....	1	2	2
Idaho.....	..	1	2	Texas.....	3	3	4
Illinois.....	51	56	62	Utah.....	..	..	1
Indiana.....	1	2	2	Vermont.....	..	1	3
Indian Territory.....	..	..	1	Virginia.....	1	4	5
Iowa.....	1	1	1	Washington.....	4	9	13
Kansas.....	..	1	1	Wisconsin.....	30	30	29
Kentucky.....	8	8	10	Wyoming.....	..	1	1
Louisiana.....	8	11	11	Alaska.....	..	1	1
Maine.....	2	3	4	Canada.....	4	3	4
Maryland.....	34	34	35	Cuba.....	3	2	1
Massachusetts.....	151	165	218	Hawaii.....	2	2	2
Michigan.....	13	16	20	Philippine Islands...	..	1	1
Minnesota.....	22	22	25	Panama.....	..	1	1
Missouri.....	27	41	42	Switzerland... ..	..	1	1
Montana.....	..	1	1	Italy.....	1	..	..
Nebraska.....	1	4	5	Sweden.....	..	..	1
New Hampshire.....	2	1	1	China.....	..	..	1
New Jersey.....	10	20	29				
New Mexico.....	..	1	1		892	1149	1320



The next committee to report will be the Auxiliary Committee of Women, the Chairman of which is Miss Helen van C. de Peyster, of New York.

MISS DE PEYSTER: The Auxiliary Committee of Women was formed less than a year ago. Mr. Woodruff kindly asked me to take the chairmanship, which I did with great pleasure; and during the winter I secured a number of friends of my own in New York as members. The committee has been very carefully selected, from the very best people that I could find in the whole city of New York whom I knew. In other cities the wives of several of our more prominent members have very kindly given their names, saying that on occasion they should be very glad to volunteer their services. Mrs. Richardson, I think, is the only lady present at this meeting to-day who belongs to the committee.

**Auxiliary  
Committee of  
Women**

Our work for the first year has been tentative. The great aim of our committee is to find out what we can do with other women's organizations already in the field. The women's clubs throughout the country to-day give a great deal of attention to municipal matters—questions regarding child labor and legislation in the interest of the women employees in factories and such things, so we thought that we would see what we could do with the existing material. To that end, a list was furnished me by Mr. Woodruff of some of the presidents of women's organizations throughout the United States, and I sent them a very carefully prepared letter, enclosing the Butler leaflet, telling of the responsibility of women in these matters and what they could do. We received only about twenty answers. Our communication went all over the Union. The answers that we received were, many of them, very satisfactory, and one in particular. The one I was most pleased with was from Mrs. William M. Ellicott, of Baltimore, who is the President of the Arundel Society. This society has done a great deal in Baltimore, and is a very well-known organization in Maryland; it touches the representative women, touches every class; everybody knows about the Arundel Society; every lady in Baltimore is willing to listen to what its president says. Mrs. Ellicott said that the Arundel Society would join the National Municipal League, and felt very much honored by the invitation. I have a letter from her telling of the work of the society. Hers was really the "star" answer that I received to my letters.

This summer Miss Mabel Hill, of Lowell, Massachusetts, joined the committee, and she has written me some very interesting letters. I do not know whether she will be here to-day—

MR. WOODRUFF: She will be here later in the day and to-morrow.

MISS DE PEYSTER: She will tell herself what she is doing, what her

plans are. She seems to have very good ideas—very well defined ideas in this matter.

I have tried various women's organizations outside of the women's clubs in New York; but unless they are formed with the purpose of doing civic or state work, they do not seem to be interested at all; and the only way I find to interest women outside is by the personal means of interesting my friends and acquaintances, just by my life, by the interest which one takes personally in these things.

Well, as we have made this broad appeal to the women's clubs throughout the country, we are going to take things up more in detail and try to find people who will really do some work.

One of the things which has appealed to us a great deal is the effort to see what could be done about introducing the study of civics into the schools. That was good. Then Miss Hill had a very good idea: Why not, in the night schools, teach these immigrant women, who are learning English, something about the country in which they are going to live? America offers a great many opportunities to women, much more than any other country, and we think that the women will be very much interested.

Those are just about the plans that we have for the present. Everything is still but very lightly sketched. I have not personally made the acquaintance of many of the members of this society. I am happy to say that among the New Yorkers I have Mrs. Aldrich, who was Margaret Chanler, and Mrs. Frederick Nathan, who is known all over the country as the founder of the Consumers' League. [Applause.]

MR. WOODRUFF: Mr. Chairman, Mr. Charles S. DeForest asked me to present the formal report of the Advisory Committee, which I gladly do. I move that we accept the report and file it with the others.

THE CHAIRMAN: That action will be taken if there is no objection.

No objection was expressed.

The report is as follows:

Herewith I beg to present the first annual report of the Advisory Committee of the National Municipal League.

This committee was formally accredited at the Atlantic City meeting, held in April, 1906. It comprises at present sixty members, who represent a widely divergent range of cities.

#### **Advisory Committee**

During the year there were sent and received by the Chairman of this committee about three hundred letters. The correspondence was mainly confined to the questions upon which the advice of this committee had been solicited, viz.:

1. Methods of increasing the membership of the League.

2. Place for the annual meeting.
3. Program of the annual meeting.

There was general accord upon the first question—the opinion being that one of the most effective ways to cooperate in the matter of enlarging membership would be for members to furnish to the Secretary the names of people in their respective localities who would make desirable additions to the League, and especially the names of those identified with local municipal leagues and kindred organizations. It was further realized that the formal invitations sent by the Secretary would be much reinforced should members follow them up by personal solicitation. Allied to these suggestions was another that the attention of the general public might be directed to the broad and helpful spirit of the League's work, and that to this end members be urged to use their local newspapers for publishing from time to time data to be furnished by the Secretary.

The second question, regarding a suitable place for the annual meeting, brought varied rejoinders. The difficulties besetting the question evidently caused hesitancy in the expression of positive opinions.

#### **Place of Meeting**

However, two general suggestions seemed to predominate: (1) that cities which have made marked municipal progress should have the preference over others; (2) that special consideration should be given to places which, by their advantages, would insure the largest attendance. Inasmuch as the Jamestown Exposition will undoubtedly draw many League members from all sections of the country, it was urged, with considerable force, that while Norfolk itself obviously would be inadvisable, yet some city in comparative proximity to it might prove a wise selection, Philadelphia and Baltimore being favorably named in this respect.

Suggestion and comments were freely offered upon the third question relating to program. Briefly summed up, basic ideas were developed as follows: That selection of formal themes for discussion

#### **The Program**

should be made solely with reference to their direct and close practical bearing upon municipal progress; that the proceedings be simplified by reducing the number of themes; that only abstracts of formal papers be read at the general meetings; that the avoidance of theoretic treatment be urged, and that attention, when feasible, be centered upon applied methods; and to this end, that speakers be secured of actual experience in politics and in the administration of municipal office, thereby recognizing the principle that we must learn from those who know what is immediately possible as well as from those who have the ultimate vision.

Several suggestions were offered which it was thought might help give more point and vitality to the proceedings. There was a general impression that two or more speakers should be appointed to open the main discussion, and that copies, or abstracts, of the papers to be discussed be secured far enough in advance to enable these speakers to apprise them-

selves of their contents. Another point strongly emphasized was that both the formal papers and the speakers in the discussions should be strictly limited in time, the amount allotted being based upon the actual requirements of the subjects.

Among the topics proposed for consideration at the annual meeting, because of their preëminently direct bearing upon municipal progress, were these: How to arouse in the average citizen a sense of civic responsibility and convert it into an active force? Closely correlated to this being the further question: What are the best methods for the systematic study of the municipality in school and college? In naming these subjects first it was felt, that until the civic sense of communities is actively awake, and representative government in a measure thereby restored, it was in the nature of negative work to attempt to perfect the machinery of government.

It is obvious, also, that the foundation of any permanent development of this civic sense must be started in the embryo citizen; hence the necessity for emphasizing the importance of this study in the school and college curriculum.

Other topics in close relationship to the preceding questions mentioned by correspondents were as follows: Nomination reform; greater freedom of the municipality from state control; municipal accounting and municipal revenue; centralization of responsibility; limitation of the public-service corporation franchise.

It would be impossible to give an entire analysis of all the features of this correspondence, but it is believed that the foregoing embodies its general trend and spirit.

All of which is respectfully submitted.

CHARLES S. DEFOREST,  
*Chairman of the Advisory Committee.*

THE CHAIRMAN: The next item on our program is the report of the Committee on Municipal Taxation, by Lawson Purdy, Esq., of New York.

**Taxation**

[For Mr. Purdy's report and the accompanying papers see the Appendix.]

THE CHAIRMAN: Dr. Delos F. Wilcox, the efficient Secretary of the Detroit Municipal League, has prepared a paper in connection with this subject, entitled "The General Property Tax in Cities." We will be very glad to hear from him now.

[For Dr. Wilcox's paper see Appendix.]

THE CHAIRMAN: I will ask Dr. Edward M. Hartwell, of Boston, to report on behalf of the Committee on the Police Problem.

DR. EDWARD M. HARTWELL: I am sorry that the report is not in such

shape that the Secretary can dispose of it as he did of the last one. [Laughter.] The Committee on the Police Problem was appointed at the last meeting of the League, at Atlantic City. It is appointed, I suppose, to act as an outlook committee, to determine whether the League could profitably undertake to develop a plan that would result in a careful, painstaking, thorough investigation of the subject.

The police problem, as Abraham Lincoln said of the slavery question, is a durable one. It is by no means worn out. But the committee, as a result of such consideration as was had at the last meeting of the League, and since, is of the opinion that unless a different kind of study of the police problem can be instituted by us than has been made by others it is hardly worth while for the League to grapple with it. Still the committee has done something. It has gathered reports from different bodies that have been forced to investigate their local police and secured expressions of opinion from prominent administrative officers of the police in various cities; but, as might be expected, the opinions expressed are ill adapted to serve as a basis for a thorough-going study of the question. The committee has taken counsel with men of insight and experience, particularly as to the situation in New York, and our conclusion is that a considerable sum of money or a considerable number of interested and devoted investigators—the kind of investigation of the subject this committee would like to see made—are needed or the investigation should not be undertaken.

The police question within the last year and a half has attracted more attention, perhaps, than hitherto, owing to the activity of the writers of lurid articles in the magazines upon the subject of graft. It can hardly be doubted that a sleuth can find enough that is reprehensible and disgusting in the relations of the police to crime and criminals to make sensational and salable magazine articles out of; but the solution of the essential questions underlying the police problem is not to be compassed by mere muck-raking.

The Civic Betterment Bureau, now merged in the Bureau of Municipal Research, acting for the Citizens' Union, published a report on the police problem in New York City, in which it proposed to improve administration, (1) by giving the police commissioner increased power of control over his inspectors; (2) by lengthening the term of office of the police commissioner; and (3) devising a scheme of promotion based on good work.

Thanks to the support given Commissioner Bingham by the Citizens' Union, the City Club and other civic bodies, the Legislature was induced to enact Chapter 160 of the Acts of 1907, which gives the police commissioner of New York power to reorganize the detective force and to detail captains to the work of detectives. Under this law the commissioner will no longer be at the mercy of his inspectors and detective sergeants. Of



course the measure was strenuously opposed by the police. The results of the reorganization already begun by Commissioner Bingham will be awaited with interest.

There has been house-cleaning in one or two cities, most notably, perhaps, in Buffalo, where, owing to the activity of Mayor Adam, which led to the resignation of the superintendent of police, the improvement of the personnel of the police commission, and rigorous enforcement of the laws against gambling and disorderly houses, conditions have been greatly improved.

Such changes as have transpired in the cities of New York and Buffalo are interesting, and encouraging so far as they go, but they hardly betoken a stern and abiding purpose to institute radical and comprehensive reforms. No scientific study of the situation in the organization and administration of police affairs is going on anywhere that I know of in this country; no radical improvement, based on careful and thorough study, has been initiated within the last two years; and I very much doubt if any such radical improvement, based on any such investigation, will take place within the next five years. [Applause.]

MR. JAMES PHINNEY BAXTER: Gentlemen, I have the honor and very great pleasure of extending an invitation to the National Municipal League to meet in Portland, Maine, for its next annual meeting. The invitation is from the Board of Trade, and another will also come from the city government.

MR. WOODRUFF: Mayor Baxter has been six times the Mayor of Portland, and not successive terms, either. I say that because you might think he had built up a machine there so strong that it made his re-election inevitable, but he had alternating terms. The people found that they had to come back to him. The terms there are for two years. It shows that Portland has progressed quite a long way on the road towards placing meritorious men in office. Mayor Baxter, as you remember from the report of the Nominating Committee this morning, was elected a Vice-President of the National Municipal League.

THE CHAIRMAN: I want to say that we are all very much obliged to Mayor Baxter and the Board of Trade of Portland for the invitation.

On motion, adjourned.

### WEDNESDAY AFTERNOON SESSION.

WILSON HALL, *Wednesday, November 20, 1907, 3:00 P. M.*

Vice-President Richardson in the Chair.

THE CHAIRMAN: The first address will be on "The Separation of Municipal from State and National Elections," by Thomas Raeburn White, Esq., of Philadelphia.

Mr. White then read his paper, for the full text of which see the Appendix.

At the conclusion of Mr. White's address, Attorney-General Bonaparte, the President of the League, entered the room and was received with great applause.

**THE CHAIRMAN:** The next paper on this subject will be by Mr. Richard L. Gay, of Boston, the Secretary of the Election Law League of Massachusetts.

Mr. Gay then read his paper, which is printed in full in the Appendix.

**THE CHAIRMAN:** We will now have the pleasure of hearing from Mr. Robert Treat Paine, Jr., of Boston.

**MR. PAINE:** I hardly know how to approach this problem. I am not greatly interested in considering how to tinker existing laws in Massachusetts or Rhode Island, or any other special place. In my opinion, the right thing to do is to ascertain what is that principle upon which we can stand and thus feel confident that, in the long run, we are going to win good government for cities.

I was interested in the resolutions adopted a year and a half ago in Chicago by the United Cities Conference. One of their principles, which is undoubtedly sound, is that "The intrusion of national politics in municipal government brings with it issues absolutely foreign to the proper functions and reasonable aspirations of the national parties, and others which are alien to the interests of the municipalities, thereby tending to degrade the national parties and seriously injure city government." Then, from the different principles laid down, they drew five conclusions. One of them is: "That municipal nominations and elections should be completely separated from state and national nominations and elections, and should occur at different times; and that nominations for all municipal offices should be made by petition or by an efficient method of direct primaries."

If we hold that the intrusion of national politics or parties is an evil in city government, we find that the separation of the elections by mere time is insufficient to eradicate that evil. You separate them by a day or a week, six weeks or six months, and I think you can honestly say, as a conclusion from the study of those separations which have been made for varying intervals of time, that the intrusion of national politics into city elections has not been eliminated. If this is the case, let us frankly admit that the mere separation by a certain interval of time will not bar out national politics. This is true in Massachusetts—abundantly proved. National elections come only once in two years—though we have our state election every year, which, however, is often very un-

**United Cities  
Conference  
Conclusions**

**The Intrusion  
of National  
Politics an Evil**

interesting; yet the separation of the annual city election from the national election by a year and a month in the odd years gives no different or better results than the separation by only a month in the previous years. Therefore you will find it is necessary to forbid the intrusion of national parties as such.

It may be said that you can, perhaps, perfect the system of primaries—tinker it up in some way. It now, in many cases, stops short of perfect regulation, but in Massachusetts, as I suppose Mr. Gay would admit, we have it about as well protected as possible. The municipal primary is most carefully guarded. We have official lists of voters, official checkers, official canvassers, official count, and everything is done with all the due formality and with all the safeguards which the state adopts for state or national elections, so that you can hardly go farther towards securing satisfactory electoral machinery; and yet all that we have done has not secured for our city primaries the elimination of national parties in the slightest degree. Therefore, let us frankly recognize that the mere perfection of the electoral machinery will not stamp out this evil which we are trying to eliminate.

One of the chief things we emphasize in Boston at election time and in the preliminary campaign is: "Attend the primaries. Citizens, do your duty. None are good citizens unless they go to the primary." And a good many must feel troubled that they do not go oftener to the primary. If you go to the primary, however, as it is now administered, surrounded with all the deliberate protection of the State law, you must join one or the other, or rather, one of the three parties of the State. You tag yourself a member of one of these national parties. The moment that, as a good citizen, you conscientiously attempt to do your duty at the primary in the selection of a candidate for city office, you are thereby forced to become a member of a national party—which accentuates the very evil we wish to combat.

Now, it may be that, under some conceivable system, you could have a free primary for parties to select their nominees, and at the same time allow unattached voters, belonging to no party, to enter the party primary, and without thereby becoming members of any party, yet help to decide who the party candidates shall be; but this isn't likely. Face the situation frankly. There are primary laws in a great many of the states, and I think there is not a law among them all but what provides that, at a party primary, you must have some test to see whether a man belongs to that party or not. It is, perhaps, possible to say theoretically that a test as to membership in a party is not necessary, but where every state law, where there is a party primary, provides for some test of party membership, isn't it rather kicking against the pricks and taking an impracticable, visionary, doctrinaire attitude to say, "Let us abolish that." Ask any practical man, and I believe you will find that he will disagree with you and say that it



is impossible to accomplish that. If you have a primary and the Republicans are to select the candidates of the Republican party or the Democrats the candidates of the Democratic party, they, I think, will agree—95 per cent of them at least—against you, that it is not fair that Demo-

**The Party  
Primary**

crats should go into the primary of the Republicans and vote a Republican ballot, to determine, or help to determine, Republican nominees. The Republicans say, "No, keep out the Democrats; they have no right in a Republican primary. And, *vice versa*, Democrats do not want Republicans deciding the party nominees of the Democratic party. It may be that in this they are very human, but that will be the case with practical men in all these states. It seems a reasonable attitude for them to take. If you allow the primary to be the organ by which parties select the candidates of those parties as parties, it is justifiable that you should bar out men of opposing parties. It seems to me, therefore, to show you that you cannot modify this party primary system in any theoretical or doctrinaire way in order to get the desired results out of it.

Now, maintaining the party primary, it is simply hopeless that you and I and other men who care more for the city than we do for any party should have a fair chance of control. The party has been in existence for a generation or more—many generations for the Democratic party—and too many men are brought up in a party and could not be bribed or reasoned out of it. When they see their party tag upon the ballot they will vote for it; and many times, in many cases, it means that just those who know least about the city, who are ignorant of the vital local issues, are most apt to vote in the stimulated excitement of party feeling, and become the deciding elements in the election of the nominees of parties to run the city government. If you have a primary candidate of the Democratic party and of the Republican party, the chances are that the majority of the voters when at the polls will vote for the man who belongs to their own party. Inevitably the good citizen, the reformer, is handicapped from the start by that dominating power. The only way is to abolish, to forbid absolutely, national parties in city elections.

In Massachusetts we have thirty-three cities. Last year, making a canvass of them, I found that, omitting the two which had biennial elections,

**Massachusetts  
Experience**

of the elections in the remaining thirty-one cities, in twenty-one of them there were only Republican and Democratic candidates; and in eight there were either a Republican or a Democratic candidate and a citizen opposed to him. In these cases the citizen is too often simply the minority party man, running as a citizen, because as a minority party man, either Democratic or Republican, he would have no show—so that it was largely a blind to combine independent votes with the minority party. In two cities, Fitchburg and New Bedford, there were neither Democratic nor Republican candidates, but citizens and independent citizens. Out of

thirty-one cities, only two were run solely with the idea of city issues controlling; in practically every other city it was a case of the party controlling.

One objection offered to forbidding party designations upon the ballot is that you thereby eliminate knowledge as to the candidates. That can be answered in this way: barring out all national party designations does not mean that you bar out such other designations as may be required to give information—such a phrase as may be necessary, of six words, or a dozen, a whole page if necessary, showing the platform or the principles upon which each candidate wishes to stand, with reference, not to the nation, but specifically to the city.

The supposition that desirable knowledge is given by a party designation is true in some measure as to party questions, but where national

#### **The Evil of Party Designations**

party questions differ from city questions the party designation does not give the needed information in city elections. When I go to the polls or to the municipal primaries, as for instance the other day, and find the designation "Republican" against three names, that does not give me the slightest information as to the civic principles which those men stand for, which they will help to carry out in the government of Boston. I am practically deprived of necessary knowledge. If there were no designation like "Republican," then they might have stood for some special reform or progressive movement and been so accredited on the ballot. When they are labeled merely "Republican" it allows them to dodge or avoid the statement of what they do stand for on vital principles of local application, or even worse, suffers them to be men of no municipal principle whatever. So that prohibiting national party designations would not deprive us of knowledge except of national partisanship, which is irrelevant or antagonistic to the issues in question; it would open the way to that knowledge which is available, which is valuable, which is necessary to the correct selection of the man who publicly stands for the right principles in city elections.

Experience is about the best teacher, and I think it has been proved in Canada, where in their cities party designations are eliminated, that the knowledge of the voters is not thereby decreased or diminished. Candidates stand there for certain principles with reference to the city. In the new charter of Des Moines, a modification of the Galveston plan, they specifically forbid the intrusion of national politics through the designation upon the ballot of party names.

Now, this in a certain sense is only a negative program. Aside from these general considerations, the intrusion in cities of national parties is bad because they are too often used for selfish ends which are opposed to the best good of the community, and yet, looking over the cities of the nation, we must credit the national parties with often administering cities with very fair

#### **Fair Results**

results. In some of these cases, to be sure, this has been brought about by conditions becoming so disgraceful that there has been a revolt within the party whereby the better men of the party have for the time being been given the leadership and have helped to redeem the city. So that really, in seeking a thorough understanding of the problem, we ought to go farther and analyze the motives which lead to the misuse of national parties in city administration. That would carry us, perhaps, too far afield this afternoon, but you would find that parties are largely used as instruments by "big business" and "bad business." If, on the rule of divide and conquer, you could separate those two kinds of business, there is little doubt but that the community could always conquer bad business when cut off from everything else. When not supported by big business or by the respectable element or anything else which is able to throw over it a cloak of respectability or to combine with it, the community can subdue it; but when it is openly or secretly allied with the power of big business, we are pretty nearly helpless. We then find in a thousand ways that there are lines that cross, chains holding us in, ties calling us back, associations blocking us off, misleading us and sidetracking us.

One check that we ought to have, relating to the paramount question of franchises, is the provision that they shall not be granted by a city government in any case for longer than a reasonable time—twenty-five years, or whatever that time may be—and even then, must be subject to an optional referendum. Boston offers an illustration of the need for such a check. We elected a board of aldermen early in December, and the old board went out about January 1st. In December, the old board holding over, passed a franchise to a second and competing telephone company which the community did not want. The mayor vetoed the franchise, but the board of aldermen passed it again over his veto. What is the answer? The usual answer is, If your public servants betray you, punish them when they come up for re-election. As a matter of fact, all of them had already been re-elected or had retired to private life, one alderman having been elected a Senator, so there was no way of holding them to account. In all franchise cases there ought to be some check more effective and final than the veto of the mayor. With a referendum to the people for franchises the temptation on the part of the big interests to contribute to parties and attempt to control them and misuse them would be diminished.

It may be that the proper procedure is not to attack the evil of the intrusion of national parties into municipal elections, but to show by a study of the misuse of such party intrusion what are the causes which lead to such misuse and to attack those causes; but the simplest way is to attack the evil which is so generally admitted, the intrusion and dominance of the party machines. Eject the party machines from city elections and give all men, as citizens, a fair chance to combine or to compete with each other as to what principles are best for the city; not for the state, and not for the nation, but solely for the welfare of their own community. I

would, therefore, recommend this as the next step. If it is not possible of accomplishment to-day, it will be, by fighting for it, possible to-morrow or the day after.

Banishing national parties from city elections will secure one good result: it will remove the temptation to stand by one's party. Noticing our honored President here, I am tempted to make a remark which may offend some of you, but the existence of national parties in city elections tends to throw men off their feet, to mislead and warp their judgment, and make those whom we most admire go wrong. Perhaps the most sinful act in municipal elections this year committed by good men was committed by the President of the United States when, as a partisan, he butted into the municipal election in Cleveland. [Applause.] I do not say that as a partisan; I have been in both parties, and perhaps am now in neither. [Laughter and applause.] For Mr. Roosevelt personally, and in the performance of his great duties as President, I have the very highest admiration.

THE CHAIRMAN: Gentlemen, before calling on any other speakers I should like to say that we want to hear both sides of this subject; and if there is any one here who believes that national parties should dominate municipal elections we would like to hear from him. We want to start a debate which will lead to a discussion of this subject throughout all the newspapers in the United States, if we could, and we want to hear both sides. In the absence of any one taking that side, I ask Mr. Elliott Hunt Pendleton to give us his views on that subject. [Applause.]

MR. ELLIOTT HUNT PENDLETON, Cincinnati: *Mr. Chairman, Ladies and Gentlemen:* I am a good deal like Mr. Paine, as I, too, have supported first one and then the other of the two great national parties. I think I can say with propriety, however, that I have belonged, and now belong, to no party; and I am convinced that we shall not secure good government in city, state or nation—and by good government I mean, of course, good representative government—until that stage has been reached when the voters of this country will cast their ballots in accordance with their own sincere and best judgment relative to the issues and candidates that are, from time to time, submitted to them for their consideration, and cease to vote blindly for this or that particular party.

I believe the day will come—and let us hope that it is not far distant—when one or the other of the great national parties will adopt as a part of its platform, as one of its foundation principles, the absolute elimination of national issues from all purely local elections. And the national party that will be first to take this forward step will bring, undoubtedly, to its support a vast number of sincere and intelligent voters from all states in the Union. There is no good reason why this course should not be pursued. Some of us are Democrats and others of

**National Parties Eliminating National Issues**



us are Republicans, and yet when it comes to a municipal election we stand shoulder to shoulder and vote for our city and what is best for our city regardless of our national party affiliations; and by so doing we have become better Democrats, better Republicans, better American citizens.

In consequence of the fact that no one in this audience availed himself of the opportunity afforded him by the chairman to present arguments against the views that have already been expressed relative to the proposition under discussion, I take it that we all agree that it is desirable to prevent the injection of national party issues in municipal contests. The real question with which we have to deal, therefore, is as to how that desirable result can be brought about.

Many prominent members in both of the great national parties, I am quite sure, would only be too glad to be rid of the corrupt machines that are misrepresenting their parties in many of our municipalities. Some of these great leaders have had courage enough to come out and denounce these machines, and because they did so they gave quite an impetus to the cause of better municipal government. I have in mind Secretary Root's vigorous denunciation, some two years ago, of the corrupt machine that was masquerading under the name of his party in Philadelphia. I recall—and so will you all readily—Secretary Taft's terrific excoriation, at about the same time, of the notorious Cox machine in Cincinnati that was disgracing his own party in that city. Secretary Taft's Akron speech did much to further the cause of good government in Cincinnati as well as elsewhere.

But if we are going to fight this fight in the way in which it should be fought, no man, no matter how high his position—whether President of the United States or one seeking to become President of the United States—should be permitted to escape censure whenever he does that which is not right. I agree with Mr. Paine, in the criticism he has indulged in regarding President Roosevelt's interference—obviously for partisan purposes—in the recent municipal election in Cleveland. But Mr.

**Roosevelt  
and Taft**

Paine's criticism applies with equal, if not greater, force to Secretary Taft, who also was guilty of injecting national politics into Cleveland's purely municipal contest. Bear in mind, in analyzing Secretary Taft's conduct in this instance, that Cincinnati is his home city; that in a letter accepting honorary membership in the Roosevelt Republican Club of Cincinnati he heartily endorsed the objects which that organization was formed to accomplish, one of which was the absolute separation of municipal affairs from national party politics. Notwithstanding these facts, Secretary Taft deemed it proper to intervene in Cleveland's municipal election, but regarding the municipal contest in his own home city to utter not a single word. He did not even say that he stood by his Akron speech; but, on the contrary, permitted those who were conducting his campaign to make deals and bargains with the same corrupt machine that he had denounced two years

before. Now, we are not going to make progress in this fight for the elimination of national party influences from municipal elections unless we fight just such men.

Pray do not misunderstand my position in this matter. I am, and always have been, a friend of Secretary Taft, and should have been glad to have promoted his candidacy for the Presidency had he displayed the same courage in denouncing the Cox gang this year that he exhibited two years ago. In consequence of his silence, however, that corrupt machine will once again be in full control of Cincinnati during the next two years.

Secretary Taft's ambition could have been promoted by reorganizing the Republican party of Cincinnati, and this he could have done with but very little effort, and we could have had a respectable local Republican organization that any number of Democrats would have been only too glad to have supported.

There is no cause, however, for discouragement. Great reforms are not brought about in a day. The principle of non-partisanship in municipal

#### **No Cause for Discouragement**

affairs for which the National Municipal League stands is being more widely accepted every day. In many cities the judiciary has been taken out of politics.

In many municipalities not only the schools, but the police and fire departments and the parks and hospitals have been removed from the grasp of the spoilsmen. Let us keep up the fight and carry it on more vigorously than ever, and the day will come when partisan politics will no longer deprive American municipalities of the good government which they should now be enjoying. [Applause.]

MR. GEORGE BURNHAM, JR., of Philadelphia: *Mr. Chairman, Ladies and Gentlemen:* In the discussion of the preceding speakers with regard to the effect, or the non-effect, or the *poor* effect, of separating municipal from state and national politics, I was reminded of the old adage "You can take a horse to the water but you cannot make him drink." I do not think that those who have advocated in the past the separation of municipal from state and national elections have for one moment supposed that this process in itself is going to effect the change, but rather that it was giving the horse a chance to drink. But if the horse did not want to drink you could not make him do so. And if the people do not want—or until they do want—to consider their municipal problems without regard to

#### **An Educative Process**

national parties or issues all these means—which, of course, are most helpful—cannot make them do it. The process is an educative one, and it is going on; it is going on rapidly. More and more we see elections in the various cities where the protest against the intrusion of national issues in municipal elections is increasing. Even in Philadelphia we have elected in the past a Democratic comptroller at an election where national issues were prominent, as I remember it, and the process is an increasing one.

The separation of elections is a necessary first step; or, at least, it is an important first step. If they are separated the process becomes easier.

**Separation  
of Elections**

Therefore, I do not think we can say that the separation of elections has failed, because the educative process has not gone far enough yet to induce the people to take advantage of the opportunity that is offered to

them by the separation.

I also do not agree with some of the speakers who have suggested that the principle of nomination by petition in the municipality is purely an academic one; that is, is so far in the future and so impossible that it cannot be considered. Now, it is a perfectly reasonable and logical proposition, and in spite of the fact that it is probably true that ninety-nine people out of a hundred would say to-day that it is necessary to separate the parties at the municipal primary, it is nevertheless perfectly true, logically, that the separation is easy and perfectly possible, and I believe will

**Nomination  
by Petition**

in time be accomplished. There is no reason why I should not go to a municipal primary and vote for the Republican candidate for mayor and vote for the Democratic candidate for treasurer, and vote for any other

candidate—City party candidate in Philadelphia, if you please—for city comptroller; because I have one vote for each office at one time, and therefore I cannot interfere with the nominations of the other party. If I attempt to do so I leave the back door open for the same sort of work on the part of my opponents. Therefore, there would be no injustice to the parties, as such, if the primary were perfectly open and free and if the citizen was handed a blanket ballot with all the names on, and allowed to vote for members of the different parties, *provided* he could not vote for more than one candidate for each party for the same office.

Therefore, I think along these lines is going to come in the future a great advance in the principle of the exclusion of the national parties, practically I mean, from interference in local politics. I do not believe that you can exclude them by prohibiting the use of party appellations—at least I do not see that that would be feasible—but if you take away from the national parties the monopoly which they now enjoy of making nominations and leave it open to any group of men in any party to make the nominations, you then would minimize the evils of that intrusion. [Applause.]

THE CHAIRMAN: I was under the impression that one gentleman who had prepared a paper had not been able to be with us, but I am just now informed that he is here, and I will therefore ask him to address us next—the Hon. Robert Luce, of Somerville, member of the Massachusetts Legislature.

MR. LUCE: *Mr. Chairman, Ladies and Gentlemen:* It might have been just as well, perhaps, if I had failed to show up, because I did not get

the information that the chief feature of the discussion this afternoon was to be this matter of separation of the state and national elections; but, sir, if you had the happiness and good fortune to be a citizen of Massachusetts, you would know that I am supposed to be an expert upon everything relating to elections and to have written all the election laws of Massachusetts since Roger Williams was sent over here about 200 years and more ago [laughter], so perhaps I can approach this subject as well as I could any other. I am certain that even now there are many politicians in Massachusetts who would like to follow the example of their forefathers and banish me, too, because I am recognized as a troublesome fellow. In this particular matter I am so unfortunate as to have incurred the displeasure not only of the machine politicians, but also of the non-partisan independents, and I shall have something to say to them which will be diametrically opposed to the views expressed by the last speaker, for it occurred to me, when I got this invitation, that at last it gave me a chance to say a few words in self-defense. Even the worm will turn, and after, for some four years, having been the scapegoat for

criticism by partisan leaders and by independents for  
**Massachusetts** the primary election law of Massachusetts, I welcome  
**Primary Law** with open arms this opportunity to say something in  
 my own defense—or rather, in defense of the primary  
 election law. There has been no definite statement as yet of the actual  
 workings of the primary election law as applied in Massachusetts, and in  
 order that the statement may have the scientific accuracy and the deadly  
 dulness of a previously prepared paper, I have written out what I have  
 to say, very much to my regret. I shall, however, interpolate more or  
 less of comment.

The primary was brought into Massachusetts in the natural course of events, we having begun with other states some fifteen or twenty years ago to interfere with the conduct of parties. Having started to interfere with the conduct of parties, there is no logical stopping-place short of complete control of the party organization by the Commonwealth. We have not yet reached that point of complete control, but we are getting there, and sooner or later we shall, I am certain, as completely as in Wisconsin or in Minnesota, take complete control of the party organization.

We secured the passage, four years ago, of the law under which Boston compulsorily, and the rest of the State permissively, should have what we prefer to call "joint caucuses." "Caucus" is a

**Joint Caucuses** good old Yankee name. Our Western and Southern brethren have forsaken it and substituted "primary."

We even claim the origin of the name "caucus" in Boston, because, if the historians are not fanciful and if it is not a legend that must go along with that of William Tell, the first caucus was held in the loft of the elder Sam Adams (the father of the celebrated Sam Adams), who



got together the shipwrights of the North End of Boston, the ship-calkers, and the Calkers' Club ultimately became the "caucus," so it is claimed, and this came, finally, to be applied to the meeting we call the caucus. When they took it over to England, some thirty years ago, they changed there the application of the name entirely and applied it to party organization, but as a matter of fact, as a preliminary meeting of the party members, we perpetrated this thing on the world about 1725, and we have been holding caucuses ever since. In time the caucus got in a pretty bad way. My friend, the man who spoke to you earlier in the afternoon, was the first man to take any serious shy at the caucus in Massachusetts, and while I am the scapegoat held responsible for the primary election laws, he is really the man behind the guns. [Laughter.] He is the man who first wrote and drafted the Boston caucus act, which was a somewhat elaborate attempt to regulate party caucuses.

But party caucuses had other faults this act did not cure, and when we heard in Minneapolis they had devised a new system, which was not a device at all but was simply a growth, we imitated it, and applied, in 1903, the primary law in Boston and about a dozen other Massachusetts cities and two towns.

We have handled in Massachusetts the question of nominating reform separately. It has two branches. One relates to the reform of the caucus and the other to the reform of the convention. In the West they refer to the whole thing as the primary election. Sometimes it is forgotten that it is possible to handle the two things wholly independently.

In Massachusetts, with annual elections, we have a persistent habit of doing things piecemeal, a little at a time year after year. We never, if you will pardon the phrase, desire to "bite off more than we can chew." We desire to digest things. We do not proceed with the leaps and bounds that seem to be the normal habit of Oregon and Washington and other Western States, but we crawl, and so we have crawled in this matter of primary reform. We have been trying for about a dozen years to get direct nominations. First we nominated some aldermen, then a few Senators, then a few Representatives, and now almost every year we get a little more. This year we are hopeful.

The joint caucus part of the handling of caucus reform we undertook with the primary election bill of 1903, and as I say, have now tested it four years. The purpose of the act was to throw about the nominating process all the safeguards and to provide it with all the conveniences found useful on the day of the main election. It was practicable to do this only by providing that the caucuses of all parties should be held on the same day and in the same place. The machinery was put in the hands of the public authorities, who provided the polling places, ballots, paid election officers, and all the precautions for a fair count and an honest poll that had been found necessary for the main election. It was hoped that this would end fraud, thereby increase public confidence and lessen pre-

texts for bolting; that by furnishing precinct voting instead of ward voting in Boston, and elsewhere when desirable, with the polls open nine or ten hours instead of from one to five hours, more men would be induced to vote; and that by giving equal opportunity for candidacies, with a fair chance for every candidate, more desirable men would be induced to stand for nomination, with less of domination by bosses and machines.

### Participation at Primaries

The most important result in Boston is shown by the following table:

VOTES CAST AT PRIMARIES AND ELECTIONS IN BOSTON, 1903-1906.

	<i>Primary.</i>	<i>State Election.</i>	<i>Per cent.</i>
1903.....	48,089	83,298	58
1904.....	45,901	96,634	48
1905.....	45,666	83,297	55
1906.....	57,865	91,468	63
	<hr/>	<hr/>	<hr/>
	197,521	354,697	56
		<i>City Election.</i>	
1903.....	59,283	80,188	74
1904.....	53,977	71,702	75
1905.....	76,198	93,830	81
1906.....	52,511	76,466	69
	<hr/>	<hr/>	<hr/>
	241,969	322,186	75
Total.....	439,490	676,883	65

Records of caucus attendance prior to 1902 were not kept, but the attendance at the State caucuses in 1902 has been given as 42,039. This is fairly to be compared with the attendance in 1906—each being the congressional year between presidential years—and this would indicate that the new system increased participation in the nominating process by about two-fifths. Good judges, however, think that on the average the increase has been larger, some averring that it has been doubled. Here is a point

### Decreased Attendance

where the worm turns on the "Boston Transcript," the "Springfield Republican," and various other worthy papers and most eminent gentlemen, many of whom are my good friends, but who insist on deluding the public with the theory that the primary election law has lessened participation in caucuses, and I desire to say to them that those are wholly wrong who from time to time assert that the new system decreases attendance. Their notion comes from their failure to recall that caucuses were held in 25 wards, and that the voting now is done in 205 precincts, with from two to four times as many hours for polling the vote. A system which can bring to the primaries four-fifths of the election-day vote, as

in the city campaign of 1905, can at least claim the merit of having done much to solve one of the great problems of the suffrage, that of getting men to take part in nominating candidates. Undoubtedly the attendance would be larger still if Massachusetts had not committed itself to the plan of confining party action to party members—what is known in the West as the closed primary. I visited Minneapolis in the

**Experience of Minneapolis** summer of 1901. At that time it was realized in only a small degree, but still to some extent, what sort of a mayor the first test of the primary election law had perpetrated on Minneapolis, but it was only a few months later that his brother, the chief of police, was put behind the bars, and the mayor himself, a fugitive from justice, was found by the officers up here in New Hampshire. The first test of the primary election law under the open system—which my independent friends so much advocate and so enthusiastically plead for—brought upon the city of Minneapolis the most outrageous debauch of municipal corruption the world ever saw, and the trouble was you could not place the responsibility. You could not blame the Republican party, because they did not nominate "Doc" Ames. You could not blame the Democratic party; oh, no, they never would have nominated "Doc" Ames. The worst elements of both parties, both Republican and Democratic, combining under the protection of this secret ballot choice, joined to defeat a respectable Democrat who was a candidate for re-election and a respectable Republican who was a candidate for election, and put into office that worst of all stains upon the history of American municipalities. The result was that the next year the Minnesota Legislature changed that law. They said they would no longer have a law under which it would not be possible to fasten responsibility upon one party or the other; they said they would no longer permit it to be known that a man could be mayor of a great city without holding somebody responsible for having put him there, and they changed from the open primary to the closed primary. Thereupon, though our bill had been drafted the preceding year with the open primary in it, we redrew it and made it a closed primary; and my friends, the "Boston Transcript," the "Springfield Republican," and the other gentlemen who believe independence ought to prevail, might better read and study and reflect carefully upon the history of the first test of the open-primary system in the very city of its birth.

There are men of independent turn who think they ought to share party privileges without sharing party responsibilities. They think they could usefully help all parties in making nominations—and

**Party Privileges and Responsibilities** very likely they could. But if party responsibility is worth while—and surely it is one of the chief reasons warranting the very existence of parties—then there is something yet to be said for confining party action to party members. At any rate, four-fifths of the voters of Boston have

shown themselves willing to accept party obligations for the sake of sharing in party decisions. It was hoped that the new law would check an evil that had reached serious proportions in our State—the evil of influencing the action of one party in its caucuses by the votes of members of another party. For example, in a fierce congressional contest in 1902, when Mr. Foss stood for low-tariff ideas in perhaps the most influential district of the country, and Mr. Adams stood for high-tariff ideas, the result was to be of the greatest significance and importance. The whole country, as a matter of fact, was looking to that district to see whether it would tell the world that Boston believed in lowering the tariff or not. The contest was made in that particular district by the accident of the situation, and everybody was awaiting the news from that district to know whether the Republicans of Boston and Massachusetts stood for high tariff or low tariff. Now, what happened? In Ward 25 of that district in that year 1,435 men took part in the Republican caucus and 165 in the Democratic caucus; 1,435 men went into the Republican caucus to help tell the country whether that district believed in a high tariff or a low tariff. Next year under the new law, when people were obliged to disclose their party affiliations and ask for a Republican or a Democratic ballot, 780 asked for Democratic ballots at the primaries. In the preceding year 165 had gone to the Democratic caucus; everybody else went over to the Republican caucus. In the following year 780 asked for Democratic ballots in that one ward. So 600 Democrats took part with the

**Caucus-Packing** Republicans in telling the world whether the Republican party of that district wanted a high tariff or a low tariff—600 men who did not want a tariff at all. In that district, of about 15,000 voters, there were 3,000 Democrats, according to the fair inference from the figures, who helped the Republicans tell the world what the Republican party believed on the tariff question.

That sort of thing was going on in many parts of the State, and there is still altogether too much caucus-packing. It was hoped that where the new law should be adopted members of one party would be deterred from publicly enrolling themselves with the other party by calling for its ballot. The hope has been justified in some places and disappointed in others. It turns out that where there is any selfish motive at work to induce men to stay within their own lines they do it, as where it may affect their receiving party honors or party rewards. Wherever the forces are nearly even the new law works perfectly in this regard. But where one party is in a hopeless minority, its members too frequently are found ready to play the hypocrite and help nominate men for whom they have no idea of voting on election day. The new law is a deterrent and not a preventive.

It has absolutely stopped fraud. The old familiar scenes of tumult, confusion, riot in city wards have wholly disappeared. Pugilists no longer stand at the rail and by brute force carry caucuses. A colleague of mine in the Legislature, a man of brawn and might, told me that under the old

system he carried caucus after caucus by standing at the polls and by sheer brute strength dominating the caucus. That is no longer possible. No count has ever been questioned save on the ground of the ordinary errors. The nominating process has been made decent, dignified and convenient.

The joint caucus in its essential principle has neither lessened nor increased the power of the boss and the machine, under ordinary conditions.

**Effects of the Joint Caucus** Its application required the use of machinery which some years before had been devised under the name of the Boston caucus act. Unfortunately this is, perforce, complicated and not easily understood by men who do not take an active and constant share in politics. Moreover, it so lengthens out the process that it must start in the late summer when many good citizens are yet away from home. This, and not the joint caucus idea itself, throws the preliminaries naturally into the hands of the organization. But when there is real occasion for revolt, that is far easier under the new system than it was under the old. In brief, we have made it far easier for the members of a party to have their own way when they want it.

Is the net result the nomination of better candidates? No man can say. All we know is that we have made it easier for the popular will to express itself and that we have largely increased the participation of the mass of the people in the nominating process. If better candidates have not been nominated, the only possible conclusion is that popular government is a failure, which for one I do not believe.

In general, the same thing is to be said of the results of what we have tried of the other branch of nomination reform—direct nomination. That, however, has worked much more for the lessening of the power of the boss and the machine. It gives any man an even chance in running for office and lets him stand wholly on his own merits. It upsets the shrewdest plans of the manipulator and the schemer. It puts an end to the dickers and trades that have made the convention a by-word. It has, in my judgment, proved itself much the better method for all compact districts where acquaintance with candidates is possible. It will surely be the better plan for all large districts, where already candidates canvass the popular vote before the caucuses. Its application should be made possible in all cases when the members of a party are divided in opinion, in order that the will of the majority may be known.

If I may trespass still further upon your time, for just a moment, there are one or two stray thoughts I should like to offer upon the main discussion, not in a way of pessimism, with the desire of lessening any man's enthusiasm in these directions, but simply to point out that these are some of the edges of the fundamental trouble which must be confronted if you desire actual and important progress. For example, it has been suggested this afternoon that if national party lines were

**An Example of  
Municipal Non-  
Partisanship**



wholly taken out of municipal elections the probabilities would favor better results. I can tell you of a Massachusetts city where for years in municipal elections there has been no such thing as a Democrat or a Republican; where for something like ten or twelve years a mayor has been in office who has been the subject of constant criticism, and the allegation has been frequent that it is one of the worst governed cities in Massachusetts. I very much regret to see that fact, because the inference is that by eliminating national affairs you will not succeed in what you desire to accomplish. The vital problem is something far beyond all that; the real need is to get the people to desire an honest government. Personally I strongly

**Party Names in  
Local Contests**

advocate dispensing with the use of the party name in municipal elections. Some of you may not be aware of the fact that the genuine Australian ballot as devised for Australia, and as, I think, used in England and all of her colonies, does not in any election permit the use of any party name, if I am correctly informed, either in national or state affairs. It was a pity that when we in Massachusetts followed Louisville, Kentucky, by a month or two in adopting the Australian ballot we did not take the whole thing. But we have kept the party designations, and now the problem is to try to get rid of them.

Just as a last suggestion, I will say that it is not impracticable to abolish primaries entirely in city elections. Several Massachusetts cities do not hold primaries, but they use only nomination papers, and have so done for many years. It is possible in that way to get rid, in some measure, of the evils you have been discussing. It is possible still further, I suggest, by the very simple provision that party names shall not be used upon any party ballot employed in a city election, still further to help along the good cause, but beyond all that is the necessity which confronts all the serious, thinking men of the country who are to-day wrestling with the problem of the city, the necessity of getting partisanship, as such, out of municipal affairs and getting the people themselves to feel and understand that they are stockholders in a business corporation, and that partisanship, as such, has no place in the conduct of a business corporation; and when you solve that problem then you have made real progress. [Applause.]

DR. DELOS F. WILCOX, Detroit, Mich.: *Mr. Chairman, Ladies and Gentlemen:* I arise to speak because I wanted to tell you of the experience

**Michigan's  
Experience**

of Michigan. We have in Grand Rapids and in Detroit both systems. In Grand Rapids the local elections are separate from state elections, and in Detroit they are combined. At a general election in Detroit with the direct primaries we had last year about five hundred candidates before the primaries, and you can readily see that the task of choosing between the men with such a mass of names before you was impossible. The results in Michigan as shown by Grand Rapids and Detroit are about the same. The

voters are independent; or rather in one or two important offices the voters are independent; they may vote for a Democratic mayor and at the same time vote for a Republican governor. But as to the question whether the elections are separated or not, in the minor offices which feed the party organization and upon which depend very largely whether or not the administration shall be efficient, the voters vote according to their party. They are willing to cut one or two or, possibly, three names, but otherwise the little fellows who are shielded by the party name go through.

In Grand Rapids a very interesting experiment has taken place. Three or four years ago they established a library commission, the names of all candidates to be nominated by petition and to be placed upon the ballot without reference to party, the five receiving the highest vote to be elected. That plan worked very well, and we got a most excellent library commission. So a year or two later they applied it to the

**Grand Rapids  
Library Com-  
missioners**

board of education, and it worked extremely well with that board, although the election was held at the same time as the municipal election, but with a separate ballot-box and a separate ballot. The system was: The 100 voters petitioning for the nomination of a certain man could secure the placing of that man's name upon the ballot; and at the first election I believe there were some 44 candidates for nine places, but the result was a board of education which could not have been improved if the Civic Club itself had had the choice of the men, I think. Well, as a result of

**The Extension  
of the Petition  
System**

that experiment, some of the people of Grand Rapids thought it would be a good thing to apply this system a little further, to all of the offices of the city government. Prior to this we had secured a new charter, in which were two clauses, one providing for a referendum, an optional referendum, on ordinances, and franchises on the petition of 12 per cent; and another, an advisory initiative, providing that on the petition of 12 per cent of the voters, they might call for charter amendments and require them to be submitted to a vote of the people; if passed by the people, they would be sent to the State Legislature with the official request of the city that they be enacted as part of the charter. It was impossible to go any further than that under our present State Constitution in granting home rule. Well, making use of this advisory initiative, a non-partisan election committee was formed, consisting of five Democrats, I believe, and five Republicans and one Prohibitionist, which drafted a charter amendment substituting non-partisan primaries for the regular party primary-direct-nomination system that we had.

The provision simply was that there should be a joint primary in place of the two party primaries, and the names of candidates for all city offices should be filed on petition, and that the names of all candidates for any particular office, without reference to their party, should be put upon the primary ballot. The voters were all to go to the primary, and the two

candidates for an office who received the highest vote at the primary would be placed upon the official ballot at the election without any party name or party designation at any stage of the game. After the campaign—there wasn't very much, the campaign consisting principally in the distribution of literature—this question was submitted to the people of Grand Rapids at the fall election at the same time that they elected a governor

### **Result of the Referendum**

in Michigan; and under that proposition there were just as many voters expressed their opinion on this question as voted for governor, and the proposition was carried by an affirmative vote of 72 per cent, nearly three to one. Every precinct in the city of Grand Rapids, which was overwhelmingly Republican, voted, by a majority, in favor of absolutely eliminating the party system from the nomination and election of municipal officials.

Then the charter amendment was sent up to the Legislature, with the official request of the city that it be adopted. The men who were elected at the same time to the Legislature were party henchmen of a very low order. They let it be known at the opening of the session that they were not going to hurt themselves any to secure the adoption of this local amendment. It is a rule in Michigan, as elsewhere, that any local amendment that the local representatives are agreed on is passed without the interference of the rest of the Legislature, as a matter of form. But public sentiment got after them so strongly that they finally came around and nominally supported it; but when the matter—it was passed by the Senate—was brought up in the House, one of the leaders of the machine from a certain town in the southwestern part of the State got up and said: "Gentlemen, this bill should be called a bill to kill the Republican party; it is not a local bill at all"—and the Republican party was not killed. [Laughter.]

So, in spite of the fact that the Republican city voted deliberately by a vote of three to one, by a majority in every precinct, asking to have the party name and party organization eliminated so far as local affairs were concerned, the State Legislature refused to grant it. There was a strong movement in other cities for the adoption of this proposition after Grand Rapids had approved of it by popular vote before the Legislature met, but of course the other cities made no more progress than Grand Rapids.

We have a constitutional convention which is in session now, and it has seemed to us in Michigan that the way to get things done, the way to get

### **The Constitutional Convention**

the people of the cities and of the State to take an active and intelligent interest in public affairs, is some way or other to get our machinery of government so that we can start things, and having gotten the majority of the people with us, make them go. [Applause.]

Now we have a constitutional convention that was organized by the machine. The law providing for it was passed by the same Legislature



which turned down the non-partisan bill, and so far as the Legislature was able to do it, it fixed things so as to bring the constitutional convention under the domination of the "safe and sane" [laughter], who have maintained the party organization in Michigan for generations, but we have been making a strong fight for the initiative and referendum, and we hope that we will secure from this convention the initiative on constitutional amendments. If we can get that, even with a high percentage, we propose to go out and get a measure of home rule that will enable any city that wants to do away with the partisan ballot to do away with it.

I agree with what Mr. Paine said when he mentioned that Des Moines, Iowa, had fortunately adopted a modification of this system. The modification of the Galveston plan adopted in Des Moines, as I understand it, contains absolutely the non-partisan election system as worked out in Grand Rapids, together with the initiative and referendum in local measures. [Applause.]

THE CHAIRMAN: Our time is passing, and it is not far from the time of closing, and I am in hopes that I can persuade our President, Mr. Bonaparte, to make some remarks at the close of the meeting, but in the meantime we have a few minutes to spare, and we should be glad to hear from any one else.

MR. HORACE E. DEMING: *Mr. Chairman, Ladies and Gentlemen:* If I may attempt to sum up in a general way the lesson of the very enlightening recitals of locality experiences we have heard this afternoon from various parts of the country, it is that in no city do we, as yet, have genuine democratic government based upon an intelligent application of the representative principle. We are still struggling to find some way to ascertain the prevailing local public opinion of the city and to make that opinion effective in the actual conduct of the city government. It is from this point of view that I shall discuss the exclusion of national political questions from local campaigns and the separation of city elections from national and state elections.

**Ascertaining  
Local Public  
Opinion**

Why do we elect city officials at all? Is it not in order that the government of a city may be conducted in accordance with, and accountable to, the prevailing local public opinion? And how shall we accomplish this unless we have electoral methods that enable us in city campaigns to give our undivided attention to the discussion of questions of city policy and the selection of men who will, after their election, be accountable to us for their conduct of the city's public affairs. If these are not the purposes, if this is not the goal toward which we are working, if we do not desire our city government to be a democratic government based upon the representative principle, why should we have any city elections? On the other hand, if we believe in democracy, if we believe that a city should be governed in accordance with the ascertained and deliberately expressed wishes

of its own citizens and not in accordance with the views of some outside or superimposed authority, we must be quick to appreciate that the confusion and complexity caused by the multiplicity of elective offices to be filled and of unrelated political issues thrust upon our attention are among the chief obstacles to the city's becoming a really democratic community, to having really representative government.

Does it not appeal to your ordinary common sense that this is not really a question of politics or political partisanship, but a question of doing your duty as voters in a simple, straightforward, business-like fashion? Is it not intrinsically absurd to attempt to select fit men to conduct our city government and to busy ourselves at the same time and in the same campaign trying to reform the nation or the state? Why not admit that it is beyond our capacity to learn with regard to the fitness of the numerous candidates competing for a long list of offices, national, state and local, some political, others non-political? How can we hope to gain good city government if our minds, and those of our fellow-citizens to whom we address our arguments as to questions of city policy, are confused by the contemporaneous discussion of questions of national and state policy?

The confusion of ideas caused by the mingling of national, state and local political issues in the same campaign makes intelligent, not to say discriminating exercise of the suffrage impossible not merely in the interest of the city, but equally impossible in the interest of the state or nation. And this is so not because of any criticism of, or any unsoundness in, the political principles of the Republican party, for instance, or of the Democratic party. It is an axiom of ordinary every-day common sense that one cannot at the same time give attention adequate to the importance of each to national issues upon the correct decision of which he thinks the country's future depends and to vital questions of city policy, such, for example, as the city's relation to its traction companies. The task is beyond human capacity. It is equally an ordinary every-day

**Confusion,  
this Mingling  
of Issues**

**Multiplicity  
of Offices**

common-sense axiom that the more numerous the positions are for which we are called upon to choose fit candidates the less likely are we to be wise in our selection. This is not because the positions are political, but because there are so many of them. In one of our large Western cities, for instance, there was, I am told, at a recent election one candidate for public office for every five hundred inhabitants—more than there were saloons. [Laughter.] It is the utterly unbusiness-like, wholly impracticable character of such methods that condemn them.

New York's experience is instructive. The cities of that State have relatively few elective offices as compared with the cities of most of the other states, and since 1895 city elections in New York have been separated by an interval of a year from national elections. Neither is any candidate for state political office voted for at a city election except for the

lower branch of the state legislature. The conditions, therefore, for the intelligent and effective exercise of the suffrage in city elections in New York are, relatively speaking, good; and there has been a marked improvement in recent years in the character and capacity of the higher elective city officials. But there is not a city voter from New York present who does not know, as a matter of personal experience, that he has found it a sufficiently difficult undertaking, even under these relatively favorable conditions, to select among the candidates for city office those who seemed to him most efficiently representative of his views as to the conduct of the local public affairs. And the New Yorker whose memory goes back a dozen years or more will agree that the exercise of his suffrage with discriminating intelligence in city elections

### **New York's Experience**

was an impossibility when he was called upon at one and the same time to discuss issues of local, state and national politics and to examine and decide the merits of the competing candidates for mayor, aldermen, city comptroller, assemblymen, senators, secretary of state, governor, attorney-general, presidential electors, congressmen—to mention only a few of the many offices that were to be filled at the same election. There were too many issues and too many candidates for the intelligent or efficient exercise of the suffrage, and it did not surprise us in those days to hear men with a well-deserved reputation for great ability and public spirit openly admit the impracticability of exercising either intelligent discrimination or public spirit in the selection of the candidates for whom they voted—except, possibly, as to two or three of the long list. They voted as blindly, and often as damagingly, to the public interests as if they were neither endowed with a high order of intelligence nor regardful of their civic duty. Is stronger or more convincing proof needed of the badness of such electoral methods than that they reduced even high-minded and public-spirited citizens to this pitifully helpless condition? [Applause.]

We New Yorkers find abundant cause for patriotic satisfaction that we have, in some measure, escaped from the apparently hopeless plight in which our bad electoral methods placed us. However it may be with others, we certainly need no further argument than the lessons of our

### **Separation of Elections**

own experience that the separation of city elections by a considerable interval of time from state and national elections tends to the improvement of city government, and we hope to see the separation made yet more complete by lengthening the term of our assemblymen and electing them when we elect other state officers. Nor do we need any other argument than the facts of our own experience to make us strong believers in the doctrine that the discussion of national issues should be kept out of local campaigns. In several instances in recent years city campaigns have been conducted almost exclusively on genuinely local issues, with better city government as a result.

No, the confinement of city campaigns to the discussion of local issues and to the consideration of the merits of candidates for local office does not involve primarily political partisanship, nor does it necessarily involve the propriety or necessity of the activity of the local branches of national political parties in campaigns for city office. It is simply the application of the practical common-sense business principle that the man who undertakes to do several kinds of work at once is sure to botch some of them and reasonably sure to botch all of them. [Applause.]

Reverting now to the thought with which I began my remarks—that the failure of our city governments is largely due to our failure to make them genuine democratic governments based upon an intelligent application of

**Boston as an  
Example**

the representative principle—let us take the city of Boston as an example. I mention Boston because it seems to be the acutest case of municipal distress just now in Massachusetts. [Laughter.] Suppose that the city of Boston had a charter under which the city, as a corporation, had authority to give the citizens what the city needs. It would frighten severely most of the home friends of some of the speakers here if Boston had such a charter. They do not want such a charter. They want the Legislature to take care of them. They want state commissions kindly to undertake their local business. They do not want a democracy; they do not want the labor of governing themselves; they do not believe in local self-government; they want to commute in some way and get rid of the bother of looking after their local government. And so, when a city administration is inefficient or corrupt, they raise their virtuous eyes to a virtuous heaven in the state-house and cry: "Give us another commission." Now, if you are not a genuine democrat, if you do not believe in government by the people through representatives selected by the people and responsible to the people, you have really no place either in Boston or in any other city that looks for fundamental improvement in its government and for continual progress, because you are out of line with all the tendencies toward political betterment not only in this country, but in every country on the globe where the people are beginning to waken up. [Applause.]

But, suppose that the city of Boston had power, as a corporation, to solve its own problems. Suppose it were free to do it, and then suppose the only people you elected to city office were a mayor and a local legislature, that you did not have anybody else to think about at election time, and that it devolved on the mayor and the local legislature elected by and responsible to the people of Boston to devise a local system of administration appropriate to Boston's needs. The people of Boston would know mighty well whom to hold responsible for results. They would not have to consult a lot of statute books nor get the help of a corporation lawyer to find out for them—and very likely not find out even then. The mayor would be responsible for the efficient administration of the various departments and could not hide behind anybody; and the local legislature would



be responsible with the mayor for the policy pursued in the conduct of the local government. Boston would have a simple government and a responsible government. It is the simplicity of the government and its responsibility to the people that constitute the merit of the Galveston and the Des Moines idea. It is not that a city is a business corporation; it is not that its citizens are stockholders in a business corporation; it is that we must apply to our public business the principles of simplicity and responsibility which we apply in our private business. [Applause.]

The local conditions in different parts of the country differ widely among themselves, and the methods to be used and the obstacles to be overcome in the attainment of simple responsible city government will differ widely in different places; and so, in all probability will the form of government in which this democratic ideal will be embodied. In a country presenting such a diversity as ours it would be both useless to expect and undesirable to have development after one model. But the underlying principles of good city government and the need of putting those principles into practical operation are the same in every part of the country and, for that matter, are as clearly illustrated and established by the municipal experience of Europe as of the United States.

Coming back to the principal subject of the afternoon we must strive to simplify our electoral methods so as to make them more representative, more easily understood, more readily applicable; we must use every method that makes it easier for the people to elect representatives who can be held directly accountable to the people for the manner in which they represent the people.

There is no one plan; there is no cure-all. But we may be very sure that if we continue the present electoral machinery, the present method of representation—or misrepresentation—such as we have, for instance, in Rhode Island, which is hereditarily misgoverned [applause and laughter], or as obtains in New Hampshire, in Connecticut, and in plenty of other places, and delude ourselves by thinking that we are living in a democracy, and that there is merely something wrong with this or that detail, and do our reform work piecemeal fashion without having any clear conception of whither we are traveling or where we wish to arrive—we shall have well-intended but crude criticisms a-plenty and a flood of barren suggestions, but there will be very little betterment in our civic condition. On the other hand, if we realize that the goal to be striven for is a genuine democratic government based upon an intelligent application of the representative principle, if we once grasp that fundamental idea, we shall find the subject for discussion this afternoon full of fruitful suggestions, and each one of us will find many ways by which he can help his own community toward becoming a true democracy. [Applause.]

THE CHAIRMAN: Ladies and Gentlemen, I will now ask Attorney-General Bonaparte, the President of the League, to make some remarks on this subject. [Applause.]

PRESIDENT BONAPARTE: Mr. Chairman, it has been some time since you invited somebody present who did not agree, at least in the main, with the speakers who had previously addressed the meeting, to stand up and be counted. When you made that request I was reminded of the story of the clergyman who had proceeded in a sermon on the division of the sheep from the goats to a stage at which he said: "Ah! who would be a goat?" [Laughter.] "Ah! who would be a goat?" A sailor who had taken spirituous sustenance in another form before coming to the church, and had fallen asleep in consequence, was awakened by the pause in the flow of eloquence, and looking around, said: "Mister, I don't know that I quite understand the game, but if it will keep up the interest, I will be the goat." [Laughter.] I had some idea at that moment of volunteering for the same purpose [laughter], but it has turned out not to be necessary.

I have listened with a great deal of interest to the views that have been expressed, and I have no disposition at all to criticise the sentiments of any of the speakers. That shows that I take a very broad view of the matter [laughter], and am ready to agree with persons who don't—with both sides, in cases where the two sides do not altogether agree with each other [laughter], because this appears to me essentially a practical problem.

### **The Mechanical Side of Government**

The problem of getting good government is simply the problem of getting the right sort of men to administer your government. Discussions as to the mechanical side, if I may so call it, of your system of government, as to your selection of men in one way or another, is only of importance in so far as it tends to that result [Mr. Deming: That's right.]; and in some places, at some time and under certain circumstances, those methods are useful and valuable which under a different set of circumstances arising at different times tend directly to defeat the purpose which you have in view.

While we are discussing how we can obtain the best kind of municipal government and, as a means to that end, eliminate the injection of national politics into our municipal affairs, we must bear in mind that all through the country, in thousands of municipal governments, the people who would improve the condition of government have to deal with a situation in which the injection of national politics into municipal affairs is an accomplished fact. It may be done away with some time in the future there; you may do something to hasten the time when that will be done, but in the meantime you have to get the best kind of municipal government that you can get under the conditions which there exist. It is in that as in the practice of medicine. This year there are discoveries made which show that the methods which were used last year can be safely superseded; next year you may find something that will do away with the good of this year, but in the meantime you can't let the people die while you are waiting to discover the ideal medicine. [Applause and laughter.]

Now, there is a very important matter which must be borne in mind

when we discuss this question of the selection by the people of men who shall be really their servants, who shall be really their choice; and that is

**Multiplicity of Offices** the extreme difficulty of the people's knowing anything about the men who are willing to serve them. There were 92 names on the ballot that I had to vote at the last election. I had to mark 23 of them. I was ac-

quainted personally with perhaps half a dozen—I doubt if it was as many—of those 92 names. I knew something about perhaps eight or ten—that is to say, I had heard incidentally something or other about perhaps three or four more of those than I knew personally—but certainly 80 out of the 92 were total strangers to me, about whom I knew nothing, and the only thing, absolutely the only thing that enabled me to mark that ballot was this very party designation to which the gentlemen have referred. I was able to mark those men who had “Republican” after their names [laughter], and if they had not had “Republican” after their names they might just as well have been inhabitants of Oklahoma or of elsewhere as of Maryland for any opportunity which I had to exercise my right of choosing my representatives. It is true it was not a municipal election, but was a state election, but they were the men who were to govern the state, under whose laws I must live, and I was supposed, in common with all the other electors of the state, to choose who those men should be. But, as a matter of fact, I could not take the time to run around and get characters as to these 92 candidates, and I think a merely infinitesimal portion of the electors could possibly do that; and the

**The Uses of the Party Labels** intervention of the political parties is justified simply on the ground of necessity, in the fact that they are a very imperfect and undesirable machinery for obtaining some information on a subject as to which otherwise you would not have any information at all. Of course, you can perfectly well see that when you are living in a small community like a New England town and when you have merely to select a few local officers among people all of whom know each other and have the benefit of all the gossip and scandal that there is about everybody [laughter], from babyhood up, why naturally you are able there to exercise a real choice. In the system of government which you have here the intervention of the people amounts almost to a selection between two or three candidates or sets of candidates who are placed before them from the outside.

And let me say in that connection—I don't propose to go into any matter of detail at all, but I understand that the essential subject under discussion is that of electoral reform—that the first aim of your electoral law, the end of all its machinery and provisions, must be to enable the people to express its will, to enable every voter to vote as he wishes to vote and to have his vote counted as it is cast. If he is an intelligent, upright and virtuous man interested in public affairs, he will then vote well; if he is an ignorant, vicious, disorderly man, the quality of his vote is probably

doubtful, but the end of the electoral law is to get as good a government as the people want to get. The end of political reform is to make the people want to get the best possible government which they can get.

In the city of Baltimore we have had an experience with all three of the different systems in regard to having elections near or far or at the

#### **Baltimore's Experience**

same time with state elections. We first of all had a system by which the city election preceded the state election from one to two weeks. That was about the worst possible system, because you had two elections. The municipal election was regarded as a forecast of what the state election was to be. Its effect on the state election completely dwarfed all considerations of the city's interest, and you had a double election, which is in itself a necessary evil, with, if possible, an exaggeration of the unfortunate consequences of having municipal affairs confused with state affairs. They then, as a reform, but really a reform which was promoted by the professional politicians, and which arose largely from the fact that the officeholders did not wish to have two assessments levied on them [laughter]—they then, as a reform, for that purpose abolished the municipal election and had the mayor elected at the time of the state election, which, so far as the quality of government obtained, left matters about as they were before. It had the advantage of diminishing the expense of the election and of preventing the undesirable incident of having this city election as a mere forecast, as a mere preliminary engagement to the general battle a little while later. When we had our new charter we did away with the city elections at the same time as the state, and had them take place six months later, in May. That system the reform elements in Baltimore have struggled very strong and hard to maintain. It is decidedly unpopular among politicians of both parties. On that point the Republicans feel very much as the Democrats do, that is, the politicians of both sides, because it gives them, so to speak, double work. It has undoubtedly promoted independent voting; there can be no question, I think, of that fact. I think it has also helped to improve, or at least to retard the deterioration of the city government [laughter], and I am also quite confident that it is going to be abolished at this session of the Legislature. [Applause and laughter.]

MR. PAINE: By request, I am about to put this resolution to you:

*Resolved*, That a committee of three be appointed by the Chair, of which the Chair is to be *ex-officio* a member, to prepare resolutions to the effect:

#### **Resolutions**

First, that the exclusion of national parties from municipal elections is desirable.

Second, that it can be achieved by the development of a strong public opinion in favor of it.

Third, that such a development should be advocated and promoted.



Fourth, that whenever public opinion is sufficiently advanced, the laws should be made to favor it.

THE CHAIRMAN: Are those resolutions seconded?

The resolutions were seconded.

THE CHAIRMAN: You have heard the resolutions. I suppose debate has to precede, except as to the wording of the resolutions, in case any debate should be desired. If there is no debate, I will put the question. Those in favor of the resolution will please say aye.

There were no negative votes and the resolutions were declared carried.

THE CHAIRMAN: I think that, owing to the lateness of the hour, we had better close the discussion. It has been one of very great interest, and I think perhaps those who have been present would be glad if we had more time to devote to it. I hope it will be fruitful of good results in different parts of the country. The meeting stands adjourned.

### WEDNESDAY EVENING SESSION.

SAYLES HALL, *Wednesday Evening, November 20, 1907.*

The meeting was called to order at 8:20 p. m. by Mr. J. Horace McFarland.

THE CHAIRMAN: I have pleasure in presenting the Hon. Charles J. Bonaparte, Attorney-General of the United States and President of the National Municipal League, who will now deliver his annual address, on "Government by Public Opinion." [See Appendix.]

At the conclusion of the reading of his address, President Bonaparte made the following oral remarks:

PRESIDENT BONAPARTE: This is my address. As it is of a serious character, I may somewhat lighten the events of the evening and render the the experience less trying on the nerves of reformers by reciting and by giving you the benefit of a little experience which I have lately had with a certain newspaper. The newspaper in question is published in a small town in Kansas known as Girard and is called "The Appeal to Reason," and is, I believe, controlled by Mr. Debs, who has been on two occasions a Socialist candidate for President and was, as some of the audience may remember, in prison for some time for his connection with the Chicago strike in 1894.

This paper has been in more or less difficulty, I understand, with the postal authorities for some time, by reason of its printing some matter which verges on the unmailable class, and especially printing it on the cover, so that it would be perceptible when it passed through the mails.

Among other things, it printed an advertisement offering a reward for the kidnapping of the former governor of a certain state, and it published various other items, some of them that were far from an edifying character. It was, therefore, warned by the local inspector, after consultation with the Postoffice Department, that if it published any matter of that kind in the future its editor would be exposed to prosecution under the postal laws. It thereupon began to publish its paper with blank spaces scattered about in different parts of it, and in those this statement: "This space has been censored by Charles J. Bonaparte, Attorney-General of the United States." [Laughter.]

As a matter of fact, I was personally and officially ignorant of the paper's existence until I began to get, from various cranks in different parts of the country, indignant letters protesting against my arrogating imperial authority [laughter], by excluding from the columns of this paper matter which did not meet with my approval—letters which were at first unintelligible to me until I found out what all the fuss was all about. The same

**"Czarism"**

sentiment has been appearing lately in the form of clippings from different newspapers which have come to me through the press agency of the Department, one of which was headed "Czarism," and reads in part as follows:

"Charles J. Bonaparte, the grandnephew of the Napoleon Bonaparte who caused the people of France to be slaughtered by the tens of thousands for his own aggrandizement [laughter], has decreed that the columns of 'The Appeal to Reason,' a Socialist paper published at Girard, Kansas, shall be censored. This Bonaparte is now Attorney-General of the United States."

This paper goes on to say that it has no sympathy with the sentiments or principles of "The Appeal to Reason," but, on the contrary, condemns them as wrong, but then says:

"The courts are open to Mr. Bonaparte if the paper slanders him or has injured him in any way [laughter]. If he has a right to censor and suppress articles in 'The Appeal to Reason,' he has the right to censor and suppress articles in any other publication. Attorney-General Bonaparte is not only exercising tyranny in dealing with the Kansas Socialist paper, but he is magnifying its importance by his undemocratic, unrepblican and unconstitutional process of censoring and suppressing the diatribes of this misguided enthusiast. [Laughter.] If 'The Appeal to Reason' has violated the law, if it has slandered Bonaparte or any other citizen or official, it must suffer the penalty, but no official, however high is his office, has in this country the right to act as judge, jury and executioner. That is czarism as practiced in Russia." [Laughter.]

The reason I trouble you with this extract is that it is a curious commentary—this is not by any means the only comment of the same kind that there has been on this matter [laughter]—it is a curious commentary on the amount of intelligence and information that go into the conduct of

certain newspapers. One would think that anybody who was sufficiently well informed to be chosen as the editor of a paper would know that it was simply impossible for me to be guilty of the form of tyranny with which I am charged, because there is no means in the world by which I could prevent this paper or any other from publishing anything that it chose. Moreover, one would suppose that, before taking for granted a statement of that character, so improbable in itself, in a paper so very, very far from trustworthy, some little inquiry would be made as to what was the foundation for the statement which was about to be published. But in this instance, as in a great many others, relating not merely to this transaction but to other transactions that are perhaps of more practical importance, the mere fact that something has been published which afforded an excuse for pretending to believe the existence of a state of facts really impossible as any one of ordinary intelligence would know, has been seized upon with avidity as a ground for partisan or otherwise prejudiced comment. And it is a serious matter—not perhaps to me, individually, but to the community generally—if one is exposed to have a statement so utterly devoid, not merely of truth, but even of probability or possibility, published widely by the press and presented to a good many thoughtless people as an accomplished fact, merely because it had been put in as an advertising device by a paper of this character. It is a sufficient warning for any person who has been honored by this League with an election to the exalted and lucrative office of its President [laughter] carefully to avoid the mistake of undertaking any less desirable public office. [Laughter and applause.]

THE CHAIRMAN: Ladies and Gentlemen, this closes the exercises of a very strenuous day, and very pleasantly closes them.

The meeting then adjourned.

#### THURSDAY MORNING SESSION.

THURSDAY MORNING, *November 21st.*

The meeting was called to order at 10:30 a. m. by President J. Horace McFarland, of the American Civic Association.

THE CHAIRMAN: The city of the future and the forces that are molding it is to be considered from the educational standpoint by our host, President Faunce, of Brown University, to whom at this time we will be glad indeed to listen.

DR. W. H. P. FAUNCE: In the presence of so many men of special knowledge and experience, I am sure I can serve this convention better in other ways than by talking to it; and yet I am very glad to take a brief part in the discussion.

"Whatever we wish to get into the mind of the nation we must first

introduce into its schools" is one of the famous sayings of one of the graduates of Brown University, Horace Mann. But our schools are not simply companies of pupils, isolated from their fellows for the purposes of study; our schools are everywhere. Our whole nation is going to school to-day. The educational period is prolonged, and every institution that is vital and effective is getting its work to-day upon an educational basis. A "campaign of education," as we call it, is the only campaign that will ultimately win. Mere fervor and exhortation and pulmonary eloquence does not have any very lasting effect. Only when we come down to the educational basis are we doing something that cannot vanish, just as the sun and the rain and the soil enter into the fiber of the forest tree never again to be plucked out.

Let me mention three or four of the forces now at work in civic and municipal reform. One is the vision of order and beauty that is coming to our American people through travel in this country and abroad. The construction of the buildings at the

#### **Forces at Work**

University of Virginia by Thomas Jefferson is full of interest and instruction to us all. He had been at the famous capitals of the ancient world; he had seen the monuments of the old classical architecture and absorbed their lesson. He determined he would reproduce something of that kind at Charlottesville. He imported, as you know, the Italian stone-cutters. He had them cut every column and every capital under his direction. He came over on horseback from Monticello, five miles away, to direct the work day after day, or watched it through his spy-glass, determined that in that university he would have an architectural object-lesson that should stir the people of Virginia and delight the people of this whole country. And he succeeded. No man can visit that campus to-day, especially since its completion by McKim, Mead & White in the last few years, without receiving an object-lesson in architectural dignity and beauty that is of value to the entire country. Bryn Mawr College and the University of Chicago are directly importing the English Gothic style, the architectural motifs of Oxford and Cambridge, to this country. Bryn Mawr is producing one of the most beautiful spots to be found in America. The University of Chicago is transporting bodily the architecture of Oxford, and we see the Magdalen Tower in all its glory on a dusty and prosaic Chicago street—but time will

**The White City** make up for that. The vision of "The White City" that rose by the shore of Lake Michigan has done more, I think, to inspire better ideals of civic architecture in America than any other one event that we have had in our history. No one who was ever there could go home to his native city or his place of residence without longing for a little more of order and dignity and beauty in the place where he lived.

Then another force, which I think we frequently ignore, is the power

of one man, possessed of these ideals and living in a single community. We say: "What can one man do? We must have a vast organization; we must have the power of a united public opinion before we can accomplish anything." But nothing good ever began with a majority; everything good began in the soul of one man who believed in it. If there can be one man in each town and city and village who believes in the thing for which this convention is standing, it is enough to begin with. [Applause.] We have one such man in Providence, and I may say it even if he is right before me—Mr. Henry A. Barker. [Applause.] He is keeping at it without egotism, without offensive partisanship, without faddism; he is simply keeping at that one thing, and not allowing us to forget it any week in the year, and Providence is swinging slowly and surely to his side in this matter. We do not need to wait for great cohorts and phalanxes; we need one man that believes in betterment, who is sane and well balanced, but will keep at it and give us no rest until we have done what we ought to do.

I think, also, we may count on our side a periodical press of constantly growing power. I never take up "Country Life in America," to mention only one periodical out of many, without wishing that such things could have come to me in my childhood; but there was nothing of that kind in this country then. Country life in America in early New England was fighting the Indians, was guarding against frost and drought; it was the courage of the pioneer rather than the vision of the landscape gardener that was required. But to-day such periodicals, and the spirit of such periodicals, permeating in some measure our daily press, are working with us in ways far beyond those which any statistics can report. It is not simply the statistical exhibit we can make; it is not that this and that thing has been actually done; it is that a new spirit permeates our press; it is the fact that certain periodicals live for nothing else but to advance these ideals—that is of direct encouragement to us to-day. And as regards the municipal and governmental side of our work, I am sure we have much to encourage us in the ever-spreading instruction in civics in our public schools and the instruction in social and political science in our colleges. I am aware that some of the teaching of the schools is as yet very rudimentary, and some schools are attempting it before they have qualified teachers to give it; nevertheless, that the subject should claim a place in the program is worth something to us. Professor Bailey, of Cornell, has recently said that the teaching of reading, writing and arithmetic is not the essential thing; these subjects are not the essentials, they are "the means of getting at the essentials." That is important for us to remember. They are the indispensable means of getting at the essentials, but they are means, and not ends; they are tools and not results. The reason why we want the reading, writing and arithmetic is that we may develop just that sort of citizenship for which we are standing in this con-



vention. And in all our schools and colleges to-day there are no subjects so popular, so eagerly sought out by the students in making their electives, as the subjects of social and political science. Here at Brown, excluding our women's college, excluding our graduates and our special students, we have possibly seven hundred undergraduates. We have three hundred and fifty of them studying at any time in the year social and political science. Probably six-sevenths of our students study those subjects during their course at college. There are no other subjects which young men and

**The New  
Humanities**

young women are so eager to enter. These are, as Woodrow Wilson has said, "The new humanities." If there is anything that is humane in its influence, it is the study of society, of the family, of the home, of government, of the growth of our cities, of constitutions, of constitutional law—these surely are as humane subjects as one can possibly pursue, and they are to-day the most popular studies offered in our elective course. There was absolutely nothing of that kind when some of us here this morning were in college. When I was in college it was impossible to secure a course in any form of social or political science. It was impossible to find in most of our institutions anything that could teach us regarding our form of government, its possibilities, its abuses, its ameliorations, its ideals. Such studies have come up in the last twenty-five years, and they have sprung into a position of dominance which augurs well for the future. It means that our young men are going out of college with an interest in their government, with a broad outlook on their country, which the college students of the last generation did not possess, and this, I take it, is one of the encouraging signs of the times. So it is not only by direct assault that we carry the breastworks of the enemy; it is through these invisible, but irresistible, educational forces that are working with us. Let me leave with the lines I have quoted to many friends on other occasions where men were speaking of measures of reform, the four fine lines from Arthur Hugh Clough:

"Not by eastern windows only,

When daylight comes, comes in the light;

In front the sun climbs slow, how slowly,

But westward, look, the land is bright!" [Applause.]

**THE CHAIRMAN:** These inspiring words of encouragement ought to be grateful to this audience. There are so many here who demonstrate this one-man proposition that if I were to call the roll the half of you would have to stand up, and more than a half of that half would not be men, President Faunce, but women—the one woman who has aroused the community in which she lives.

Taking up the idea of President Faunce in relation to education, in relation to the interest in schools in matters of civic government, and of good government in general, I wish to call attention to the fact that we

have had with us during these days of conference five boys to hear what we have to say and appreciate the facts that go toward making a good city, an ideal city. These boys, from Scranton, are members of the Boy's League of Scranton, the Boys' Civic Club. I wish to say that they are not chosen from the elect of Scranton, but rather, if you please, from the unelect. They have their own organization; there is a mayor, a boys' mayor of Scranton, in the lot, and a city treasurer and a city comptroller, and they do govern themselves. They have already completely squelched one ring and downed two bosses. [Laughter.] They are learning.

This is a broad subject, and we may well now look at the charitable and sociological influences which have to do with molding the city of the future. Upon this subject we are to hear from the Hon. Homer Folks, of New York.

MR. FOLKS: I am here in person, but without a paper; in fact, I have been obliged to start bankruptcy proceedings in the matter of papers, and can offer only a few somewhat disconnected remarks.

I accepted the invitation of Mr. Woodruff to speak on this subject because it seemed to me a peculiarly timely matter to present to these bodies. Every person, I suppose, sees in undue proportion his own kind of work, and perhaps I suffer from that defect of vision; nevertheless it seems to me that among the forces that are molding the future city there is no force at present in operation, and none likely to be in operation in the next quarter of a century, more potent than the movement for social well-being as represented by the charitable and social agencies and workers of the great cities.

We have had for many years charitable societies. The charitable impulse is universal in this country, and from very early years it has found expression in organizations for administering relief to the unfortunate. We have had successive waves of charitable organizations, as an earlier wave has subsided and as the impulse has come again from across the water.

There was one wave about 1812 that resulted in the organization in New York City of a society for the prevention of pauperism, a wonderfully well-planned organization, with a splendid purpose and with a very comprehensive program. It conceived that one of the things most needed was the establishment of an institution for the care of wayward boys, and on that particular feature of its program it devoted its attention to such an extent that when the new child was born the parent died. The society, with its great program, disappeared, leaving its child, the House of Refuge, as its one permanent contribution to the city.

In the fifties there was another wave of charitable organization, and societies called "associations for improving the condition of the poor"



were started in most of our large cities. You will find them to-day in New York and in most of the large cities. After a while they became, shall we say, somewhat somnolent; and along about 1880 a third wave, the charity organization society movement, also imported from abroad, began to spread through our American cities.

I mention those different waves to lead up to what I conceive to be the fact that now, for the first time, all of these charitable agencies feel a new, common, powerful impulse, which does not come from abroad, but has its origin here, among the sentiments and forces of social life in American cities; and that new impulse and enthusiasm—one might almost say passion—to remove the preventable causes of poverty seems to me destined to have a tremendous effect upon municipal administration in the next quarter of a century.

That new impulse found expression night before last in the city of New York at the twenty-fifth anniversary of the founding of the Charity

**The New York  
Charity Organ-  
ization**

Organization Society. That, as you may perhaps know, is one of the strong conservative agencies of the city of New York. Its president is Mr. Robert W. DeForest, one of our foremost citizens, a man who has held high public office. Its secretary is one of our best known and most effective workers, working in many different fields; and its treasurer, Mr. J. Pierpont Morgan, is also well known beyond the boundaries of his own city. So, when I say to you that that conservative society, on its twenty-fifth anniversary, stated deliberately, intentionally, and thoughtfully that its present purpose is to address itself to the removal, the elimination, of the preventable causes of poverty, you will acknowledge the significance of what is in the air. When that is said by the Charity Organization Society of the city of New York, and when that utterance is applauded by the assembled representatives of other charitable agencies of the leading cities of the country, you will understand that that does not mean simply the passage of resolutions; it does not merely mean the utterance of a sentiment; it does not merely mean giving to the press notices of their future desires; it means the adoption of a definite program of work. It means the devotion of an expert staff with competent trained workers to the achievement of specific ends, through whatever measures are found practicable, for the removal of the great causes of poverty and distress, which they now, after twenty-five years of study, observation and work, say to us are preventable. If preventable, why not prevent? If curable, why not cure? And why not do it while you and I are still alive? That is the feeling that is now uppermost in the minds of the social workers of the great cities of this country.

Another reason for my presence is the further fact that, having reached this frame of mind as soon as we began to discuss specific measures, we find ourselves inevitably talking about the things that the city is going to do, things that the city departments, under the spur and impulse

of these organizations and movements and this newly-awakened public sentiment, under legislation that may be had, under new ideas at the head of the government—things that the city must do. Not so much that we prefer that the city should do the work, but that the conditions of city life are

**Preventable  
Causes of  
Poverty**

such that only the municipal government, with its power and with its unlimited means, can accomplish the necessary results. Therefore, when we speak of the removal of the preventable causes of poverty, we are talking about the work that we are going to try to get the city of

New York and the other great cities of this country to do in the next quarter of a century; and we are not talking in the air, either, when we talk about the things the city is to do. We are not talking vaguely about hopes of the millennium at some future time, but about very specific and concrete propositions. We have been counting family after family; we have been visiting family after family for, lo, these many years; we have been pushing back into the causes of their unfortunate condition, and we speak now as those having authority on the subject of the causes of poverty. It is decidedly interesting to see that in all the later statistics of this subject the earlier schedules of the causes of poverty have been largely thrown aside. The schedule that was approved by the National Conference of Charities some ten years ago is absolutely discarded; it is obsolete, out of date. The test that placed most emphasis on the personal characteristics of the individual, that looked always in him for the cause of his condition, has had to be thrown aside, simply because it was not true to the facts.

To mention one or two things only: One of the greatest causes of sickness and of poverty, one of the greatest feeders of orphan asylums and homes for the friendless, one of the greatest causes of

**Pulmonary  
Tuberculosis**

the demand for relief-giving, is the disease known as pulmonary tuberculosis. That causes the death of from 1 in 8 to 1 in 10 of all those who die from all causes

in the city of New York, and it causes their death in the productive period of life, in middle age. We have been told for some fifteen years that pulmonary tuberculosis is a curable, and also a communicable, and therefore a preventable disease. Now, if that is so, and if we know how to stop it, why, in Heaven's name, should we go on forever building orphan asylums and organizing societies to take care of the needy, and building hospitals to care for the sick, when, by applying the knowledge we now have, by doing what we know how to do, and doing it on an adequate scale, we can stamp out one of the great causes of all this evil?

[Applause.] When you come to deal with it, private

**The City's  
Part and Duty**

societies can do their part. They can contribute in some degree, but the main reliance must be upon the city, with its authority to step in and destroy disease-breeding tenements, to compel the repair of those that can be repaired, to put limits

upon the number of persons who may occupy given quarters, to take measures for the distribution of population in the future, to provide adequate dispensary and hospital provision for the treatment of those now infected. To do all of these things requires foresight, action, the expenditure of large sums of money on the part of the municipal authorities. We don't say we hope they are going to do it; they are at it now. The city of New York is taking the lead and is spending tens of thousands of dollars every year, laying new and larger plans every six months in this line of work, and the other cities are waking up.

The thing that troubles us in New York, and that we believe now to be at the root of many of our difficulties, is the congestion of population in unsanitary houses. We can pretty nearly put our finger on the dimensions of that evil. We have had three or four tenement-house commissions of investigation, all of them conducted by very able men, and practically to specific results. We have had various censuses, showing existing conditions; we have now a great mass of exact knowledge on that subject. We know where the trouble is; we can put our finger upon a block and say, "There is the block among all others in the city of New York that causes most disease and distress. This is the block that we want taken down and converted into a park for the benefit of the people about there."

To control congestion, action by the city is the only possible resort. It must take various forms. For instance, the adoption of a proper building code. It came to my knowledge incidentally a few weeks ago that, as to one of the largest of the second-class cities of the State of New York, a conservative old New York city, which a few years ago represented everything that was traditional and conservative in New York—that to-day it is half of it Italian or Slavish in population. In that city the evils of New York are rapidly being reproduced. It has no building code. Any one can put up a four-story wooden tenement by the side of an expensive business building, and they are doing just such things; but this winter we expect to see a building code enacted for the city of Utica.

The question of transportation has a most important bearing on the well-being of the people of a city. When you analyze the facts, you see

### **Controlling Congestion**

### **Transportation**

that one reason why we have so much poverty and so much alms-giving and alms-receiving in the city of New York, and such a high death-rate, and so many orphans, is nothing other than the fact that it takes a man an hour and a half to ride out to a place where he can afford to live in a house. It is not the cost when you get out there; he could have, under present conditions, a little lot with a little house and live comfortably and healthfully. The only drawback is that he spends the greater part of his time going and coming to and from his work, because of the character of the train service and the peculiar conditions that exist in our transportation. That certainly is straining at a gnat and swallowing a camel. If we mean to really im-

prove the condition of the poor of the city of New York we must find some plan by which they can live farther away from their work, or by which their work can go to them. That leads to the suggestion, the latest one that is receiving serious consideration, and needs further consideration and study, but which is entirely within the realm of possibilities, and which in general nature and substance is within the range of probabilities, and that is that the city shall draw a line across Manhattan Island at some part of it and say that below that line no new factories shall be built, because there is not room for the workers to live down there and be near their work and live under healthful conditions. That is quite within the range of probabilities in the near future.

Then there is the question of the working over of the public school system, from the point of view of the physical well-being of the children.

I hardly dare tell some of the things that have recently been made known concerning the physical conditions of school buildings in the city of New York.

**The Public School System** We haven't enough school buildings and have part time classes; and we have all been thinking so much about getting enough school buildings that we have not thought sufficiently about the character and the care of those buildings. We all know about dry-sweeping. We have been talking about that as one of the worst things possible for spreading all kinds of disease germs all through buildings. All the public schools, if I mistake not, are swept by the dry-sweeping process, and after the building is thoroughly swept and thoroughly cleaned, and the dust all swept up and distributed again, you can go through and rub your fingers across the top of the desk, and it is as black as can be; so that if there is anything in the germ theory, if that is the way disease is spread, we are doing our utmost to give the germs the best possible chance to get at the young citizens of the future.

I suppose there may be present men who will say that the things that I have been speaking about are paternalism. There is nothing more certain to be looked upon with disfavor than anything that carries the label of paternalism. If you can keep the label off, the thing itself is all right and goes right along. [Applause.] Many of these things are being done by our large cities every day, but you have to be careful to keep that label out of sight. It occurred to me the other evening to ask, what is paternalism? Is this social betterment paternalism? I can't see that it is. There is no little father, or great father, taking from his isolated store of riches and bestowing favors upon his needy children in this sort of thing; in fact, I don't see that under a real democracy there can be any such thing as paternalism. There can be *fraternalism*, and that strikes me as being a good thing. We can take from our common store and use for the common good; able-bodied men can work together for desirable purposes, but that is not paternalism. It is simply a question in each case as to which things we can do best by concerted action and which things we can do



best by individual action. Please do not think that we are unduly enthusiastic in saying that we who are engaged in charitable and social work mean to mold the city of the future to a considerable degree, for we do intend, Mr. Chairman, to do just that, to the utmost extent of our ability. [Applause.]

THE CHAIRMAN: So new are the thoughts advanced, so different from the ordinary conception of charity, that it seems worth while to pause for a very brief discussion or give a chance for the audience to ask Mr. Folks some questions. Therefore, if any one wishes to do so, and will speak quickly and to the point, we may have such discussion now. [Pauses.] Evidently Mr. Folks has so covered the case that there isn't anything else left to say.

Mr. Woodruff, our Secretary, will review the work of the American Civic Association in increasing improvement influences. [Applause.]

MR. WOODRUFF: It fell to my very pleasant lot, at a previous session of these meetings, to review at some considerable length the present municipal situation in this country. The review was entirely too long for reading or anything more than formal presentation, but those of you who were present on Tuesday afternoon will recall the very considerable list of actual accomplishments and advances briefly described as occurring during the past year.

We have heard this morning three very striking statements from three different viewpoints concerning certain of the influences that are making for the improvement of existing conditions, and therefore molding the city of the future. President Faunce spoke, among other things, of the fact that our children at the present time are in touch with a better and cleaner and more wholesome and uplifting literature than was formerly the case. The same thought was in my own mind in considering not only the reviews which have been made, but all of the meetings which we have had here this week, the great benefit that is going to accrue to coming generations because of the influences that have been inaugurated by organizations like the National Municipal League, the American

#### **The Influence of Organizations**

Civic Association, the organization which Mr. Folks represents, and all the various local organizations that are represented here by delegates to the two bodies. Think of what it must mean—I am not gifted with prophecy; I cannot project myself into the future and paint with realism the influences which these various bodies are going to have upon the coming generation—but judging from the effect which these influences are having right now before our eyes, the influence upon the coming generations will be little short of enormous. We are changing the conditions and the surroundings.

Reference has been made here to the work of city planning. Mr. Folks spoke of some of the plans that are under consideration in New York. I

have the manuscript of an article containing a list of forty-five cities that have under consideration what are known as "city plans," for the rearrangement of the city, the extension of the park and boulevard systems, the physical transformation, if you please, of these forty-five cities and they constitute but a part of the cities that have far-reaching plans including such as Mr. Folks has intimated the charitable and sociological workers in New York have in mind along the various lines that he has so aptly described; and in England, with which, by the way, we are in constant intercourse, city planning means not only the physical rearrangement of the city, but the moral and social improvement of the city. They are attacking this problem of improving present and future conditions not only from the point of view of changing the physical, but through the change in the physical, changing the moral and the social environment. We find the Garden City movement; the very considerable town-planning movement; and other changes being made, especially in England, and also to a considerable degree in France and in Germany. And so, gradually, there is this increasing of the improvement influences along political lines, along social and economic lines, along charitable lines, along all lines in which the American Civic Association and the National Municipal League are interested.

Several have asked me, during the course of these proceedings, why it is we have no place for formal reports from the very numerous departments and committees of the Association which have been at work. It is a perfectly proper question. These committees have been doing such admirable work that there ought to be some place for them, but the only answer, the only explanation is that this subject is so broad, it has so many phases, calling for immediate attention at the hands of the people who are present and who are qualified to give thoughtful consideration to the subject, the problem is so complex, that we must arbitrarily at some point cut out the reports, not because they are not worthy, but because they present so many lines and so many accomplishments.

**Increasing Improvement Influences** I have been asked by those having the matter in charge to give you some idea of what the Association has been doing in committee work during the last year to increase these improvement influences of various kinds.

It was my very pleasant duty to do somewhat similar work yesterday morning for the National Municipal League, and this report will supplement that, showing what is being done by organized, intelligent effort on the part of men and women of ability and experience to increase and extend improvement influences.

It is no small accomplishment to have brought together so distinguished a group of specialists as the department vice-presidents of the American Civic Association. These men and women, widely experienced and learned in their particular lines of work, have been giving, and giving generously,



of their time, means and ability in advancing not alone the work of their departments, but the whole cause of a better and more beautiful America. I wish to call your attention to that changed phraseology. We have heard a great deal, in these latter days, of a more beautiful America, and very properly, but Mr. Barker, of this city, has coined this new and more comprehensive phrase—not only a more beautiful, *but a better* and a more beautiful America; and that phrase is comprehensive enough to take in the whole work of the American Civic Association, of the National Municipal League, of the charitable and of the sociological organizations of various kinds that are at work in the various cities and in the country at large.

I have here brief and suggestive department reports, which, however, represent but a small part of the achievements of the Association and of the connections of the various officers with it. The departments have been constantly at the service of the general officers, of the members, and of the constantly growing list of earnest seekers after information as to the how and wherefore of improvement work. They give advice and information freely. They constitute centers of influence and helpfulness. They prepare an authoritative literature which would, even if there were nothing else, make the Association's work worth while. I wish we might have time—of course, we have not that—to take up these various department reports in detail.

I want to say one more word in conclusion in regard to this matter, that the note of coöperation is in itself one of the most effective elements in increasing improvement influences. The American Civic Association was formed by the merger of the American Park and Outdoor Art Association and the American League for Civic Improvement. They were two organizations doing in this special field a good work. They were combined at St. Louis in 1904, and the first year the resources and the activities were, I think it may be said with propriety, at least quadrupled, and every succeeding year there has been growth and development. And now this further step has been taken, a step of still wider coöperation—not necessarily merger, but coöperation by organizations that are working along cognate lines. We here to-day, as members of the National Municipal League and the American Civic Association, see the benefits of coöperation. We have the hosts here, who have united and coöperated with each other, to give us a good time here in Providence, to give us a helpful and a successful meeting, and they have pointed the way to successful coöperation in such matters; and may this joint meeting of the National Municipal League and the American Civic Association, and the presence here of such men as Mr. Folks and our friends from the Union of the Canadian Municipalities, point the way to still wider coöperation of all the forces and influences making for a better and more beautiful America. [Applause.]

**THE CHAIRMAN:** I wish to state that the efforts and the activities of the departments so ably presented by Mr. Woodruff are before us in another fashion. In Room A, in the Narragansett Hotel, there is a photographic cabinet, the leaves of which, as turned over, disclose some of the actual things that some of these departments stand for. Those who have not taken the necessary three minutes—and you could well spend thirty—to turn over these thirty leaves might well do so to-day.

At this time, because it is peculiarly appropriate and because Mrs. Moulton, has herself volunteered, I am going to give her the platform for a statement she wants to make. [Applause.]

**MRS. EDWIN F. MOULTON, of Warren, Ohio:** *Mr. Chairman, Members and Guests of the Combined Associations:* You have heard at different times during these meetings from the platform how uplifting and inspiring the programs are for the men. I am here to say a word for the women. They are also uplifting and inspiring for the women, but "more so," as David Harum would say, because they are educative. Why? Yesterday we were educated by two qualified exponents of the advertising forces; they told us where we stood; that we are in the opposite line from the Hon. Mr. Jerry Rusk, who said, "I seen my duty and I done it." We have neither seen our duty nor done it [laughter]; we did not know until yesterday, until these exponents told us, that you men would do anything we asked. [Laughter and applause.] That means success, and I am going to "ask" right now. [Laughter.] These organizations, the National Municipal League and the American Civic Association, in the words of Henry George, "need men," they want members. The National Municipal League wants members of men only, but I am sure they are glad—

**THE CHAIRMAN:** They want women, too.

**MRS. MOULTON:** Do they? I am sure they cannot have enough broad-minded women. [Applause.] The American Civic Association wants men and women too. Now, in the report from the Treasurer yesterday of the American Civic Association you heard of a deficit of \$3,500. That is not very large. Why, in this city alone, with 4,000 members, at \$1.00 each, would soon clear it away. You wonder, perhaps, what that deficit means? The women understood it; it meant efficient work. If there had not been efficient work by the American Civic Association there would have been no

**Membership** deficit; if it had been an old-time society that went on, not progressing, but just going on in the even tenor of its way; it would not have needed money. But because they have tried to keep pace with the demands it has run short of funds; and you who are so interested that you come to listen hardly appreciate what the demands are from every department represented in this organization, as well as in the National Municipal League. Now, we are going

to ask you if you will become members at \$5.00 per year? The American Civic Association has several classes, the League but one. You can help this work in efficiency during the next year beyond what words might say. Will you do it? You are men. These qualified men said yesterday you would do anything we asked. I will be at the door this morning and ask these things. [Laughter and applause.]

THE CHAIRMAN: The following paper is submitted on behalf of Professor Albert Bushnell Hart, of Harvard, who was here last evening and will be here again, but who was detained by his college duties this morning.

### SAVING THE CITIES.

By Albert Bushnell Hart.

Vying with bridge whist and the condition of the banks in the attention of the American people just now is the American city. Journalists excoriate it; reformers criticise it; taxpayers resent it; and politicians keep on exploiting it. It is one of the marvels of human nature that a country which has developed an efficient national government, and a clumsy, but on the whole tolerable system of state governments, should acknowledge its incapacity to manage its own cities. A good part of the states are fairly well governed, even though some are habitually plundered; but throughout the land there is not a single large city and hardly a small city in which the city government during the last ten years has been uniformly farsighted and tenacious of the public interests. Though there have been plenty of notable governors, there is hardly a man in the country who has made a national, or even a state, reputation as a highly successful mayor of a city.

The reasons for this distressing state of things are not less than ninety millions, excluding the dependencies and the protectorate of Cuba; for the true reason is the indifference of the American people.

**Ninety Million Reasons** Considering how close city government comes to individuals, how much the health, comfort and moral welfare of the community depend upon it, how a corrupt city administration may literally roar in our ears, be an eyesore to our vision and a stench in our nostrils, it seems amazing that somewhere in the country there should not be at least one collection of say a hundred thousand people in which city affairs are as well managed as the clubs, churches, banks and factories. But where is the city in the United States which year after year sets an example of good business management? in which the expenses are always met out of the year's income, the streets are in order, the school children all accommodated, the police always alert, the firemen out of politics, the garbage-cans regularly emptied? The nearest approach to these happy conditions is the one city in America in which the people have no voice in their own government—the national capital;

but Washington does not seem to be effective as an example for Baltimore, Philadelphia, or Boston.

The sordid conditions of most American cities have attracted the attention of eager searchers for a sensation, and "The Shame of the Cities"

**Sordid** has been stencilled upon a selection of unfortunate communities in various parts of the Union. It is shameful, and, more than that, it is unbusinesslike, for cities

**Conditions** to be misgoverned; of course, on engineering principles, most magazine articles denouncing public institutions have a factor of safety of six; that is, the conditions are described as six times worse than they are, in order that the fraction which the public believes shall be something substantial. Nevertheless, things are bad enough everywhere, and intolerable in some cities.

Fortunately the American people, notwithstanding its criminal good nature and its acceptance of conditions which no other civilized people endure, always retains a healthy belief that things may

**Our Peculiar** be made better; and in this crisis of municipal mis-  
**Prejudices** government, applies itself industriously to a method of reform which may be considered the American panacea

for public ills. They form societies—local societies, state societies, national societies, good-fellowship societies, technical societies, expert societies. To the problem of ousting political combines and corporation-ridden councils they oppose combinations of reformers and the incorporation of leagues, and at no time in the history of the country has there been such a vigorous, well-organized and persistent effort to arouse public sentiment against the acknowledged evils in the city government. Such combinations are made necessary by the habits of American political life; an individual, however valiant and however fortified by the confidence of his neighbors, finds it almost impossible to make much change in his city government; if a private citizen, he is confronted with the great principle, as true in civic affairs as on the gridiron, that you can't score unless you have the ball; you cannot reform a city government unless you can get control of it. But cities seldom permit anybody to serve more than three or four years, either in councils and boards of aldermen or in the mayoralty, and rotation in office pushes a man out just as he is becoming a real force. Furthermore, it is another of those paradoxes which make American political life so interesting that a people which perfectly understands the necessity of the most highly concentrated authority in its two most sacred interests, sports and politics, which entrusts a crew to the sole authority of the rowing coach and permits a boss to appoint all the party officials, make all the party rules, and designate the whole party policy, is unwilling to give to its public officials the authority and responsibility necessary for the carrying-on of the government. A man who meekly accepts his candidate from the organization, and his party principles from the resolution committee of the national convention, will not trust his city



council to buy the site of an engine-house or his mayor to appoint a superintendent of streets.

One of the many services of James Bryce has been to point out that in America things are always better than they seem; that unpromising types of government after all do somehow carry on their work in a tolerable fashion. There is, nevertheless, an abyss into which American cities tend to fall, and from which they are rescued with extreme difficulty.

### **The Value of Discontent**

New York City under the Tweed ring was practically on the same stage of civilization as a Greek city which had fallen into the hands of a tyrant, with the single exception that the despot did not, as yet, venture to put his enemies to the torture, or to banish them by edict. San Francisco in recent days has nearly returned to the first principles of primitive man, by organizing in confused and warring gangs. To meet these dangers, to recall the people to their everyday principles of fair play, honesty and mutual concession, the most successful method is to form organizations, which shall not only enlist neighbors aroused to the fact that their houses are on fire, but shall extend from city to city, from state to state, and concentrate into national societies the movement for municipal reform. The molecule in this political chemistry is the dissatisfied individual, who curiously enough is seldom the large taxpayer, appalled at the increase in his annual bills. Somehow the powers of darkness know better than to cause uneasiness in the minds of men powerful through their wealth and corporate connections. The ordinary municipal reformer is sometimes the modest citizen who is startled by the extravagance of his city government, and by the increased cost of living, which he sees to be due in part to wasteful city methods; more often he is aroused by the moral effect of an inept or corrupt government; he sees his children exposed to the dangers of streets upon which vice is allowed to flaunt; perhaps he finds the schools manipulated by politicians; or his own life is endangered by hold-ups, due to an incompetent or criminal police. Another uneasy element is that most useful and least appreciated element of society, the "chronic kicker," who always insists on getting what he pays for, and complains if an inferior article of government is shoved upon him. Many women are compelled to demand better things: it was a woman who a few years ago insisted that the house refuse in Chicago should be regularly collected and removed; it is a woman who has got the name of "Mayor of Kalamazoo" because she had such influence in the community that the city government constantly consults her judgment.

These discontented molecules have, during the last ten years, come together into more stable compounds by forming municipal reform societies, which take the name of good government leagues, or citizens' associations, or city clubs. Under this last name exist in New York, Chicago and Boston large house clubs, which make themselves a center of activity and civic organization. It is estimated that between sixty and seventy

thousand persons are members of these various municipal reform organizations, to which might fairly be added many of the women's clubs, because they often address themselves to city problems. Where these organizations have permanent offices, including a paid secretary, who makes it his business to investigate, report on and combat abuses, they have large effect. An example of such a storm-center is the New York City Club, which supports an experienced reform lobbyist, well known and cordially disliked by the worst part of the New York Assembly at Albany, and he coöperates with a Bureau of Municipal Research, which makes it its business to examine the accounts of the city at the present moment. The New York City Club is acting as prosecutor of Borough President Ahern before the governor of New York. The trade and commercial organizations of the city frequently take an active part in such good work, and it is due to their initiative that the present Finance Commission of Boston was forced upon an unwilling executive.

Next in the scale of the federation of municipal effort is the state society. Several states have annual mayors' conventions, who indulge in such varied activities as "an automobile ride over the plains of Texas; sanitation, street work, sidewalk building, and everything pertaining to city government; and an old-fashioned cowboy dinner at Beverly's ranch." Another type is the league of state municipalities, to be found in Wisconsin, Michigan and Iowa, and endeavors to influence the legislatures toward a better system of municipal charters and administration. Then there are conventions of municipal employees of various kinds, fire chiefs' associations, firemen's associations, and the like, chiefly devoted to a good time, and perhaps combining the dual advantages of the Indian's favorite fire-water. This movement for state organizations is apparently on the gain, and it is destined to change for the better the attitude of the state governments toward municipalities.

Many states have not a sufficient number of cities to support conventions of city officers, and the greater number of such organizations are national in their scope. Within the last few weeks have been held the annual conventions of the International Association of Fire Engineers; the American Water Works Association; the International Association of Chiefs of Police; the American Association of Park Superintendents; the International Association of Municipal Electricians, and the National Tax Association. All of these depend chiefly on the interest and attendance of people actually engaged in municipal service.

In addition there is a large group of national associations made up of engineers and experts who may or may not be in public service, such are the American Gas Institute, the American Institute of Electrical Engineers, the National Electrical Contractors' Association, the Illuminating Engineers' Society, the International Acetylene Association, and two



bodies meeting at the same time and place, called the American Street and Inter-Urban Railway Association and the American Street and Inter-Urban Railway Engineering Association.

Good fellowship, mutual acquaintance, the desire to make business friends, play a considerable part in all these conventions; and at best

**Twenty National Societies Dealing with Municipal Government**

they aim to improve the operation of city government rather than to cure inherent defects. The larger purpose of informing and concentrating public sentiment on city affairs is the reason for nearly twenty national societies dealing with the subject of municipal government, most of which have met within the last four months. Some of these great national societies are founded, primarily, for research and publication; such is the group of four organizations which are to meet in joint session at Madison, Wis., just after Christmas. Of these the American Economic Association, with about one thousand members, holds exciting controversial sessions, issues monographs, conducts elaborate pieces of research, and has founded a quarterly journal as an organ. The American Historical Association, which boasts the venerable age of twenty-three years, has about 2,500 members, issues an elaborate annual report and sustains a respectable quarterly journal. The American Political Science Association, now in its fourth year, has 400 or 500 members and keeps up a quarterly journal. The American Sociological Society, youngest of the group, is about to hold its second meeting with between 100 and 200 members. These four organizations include most of the professors of history, government, economics and sociology in the country, and a large number of other people, investigators, or simply interested in the subject. They deal with municipal government as one of several important factors in the social, economic and political organizations of the country; and in their discussions they tend more and more to address themselves to immediate and pressing problems.

Several other national societies also include municipal affairs in their annual programs and their publications; such are the American Bar Association with over 2,600 members, the American Social Science Association with 1,000 members; the American Academy of Political and Social Science, situated in Philadelphia, which owns to an income of \$20,000 a year from its 4000 members, out of which it sustains a bi-monthly publication. The most important of these societies is the National Civil Service Reform League, of which Joseph H. Choate is now president, the energies of which are likely henceforth to include municipal offices.

Most of the serious work of municipal reform is forwarded by five national societies which devote themselves almost entirely to that object.

**Five Large Reform Societies**

The first of these is the League of American Municipalities, the members of which are cities, each of which pays dues according to its population. Of course the whole city does not go to the meetings; it is repre-

sented by the mayor or councilmen and the principal object of the league is social. The National Civic Federation, the most elaborate and far-seeking of these organizations, counting in its executive committee ex-President Cleveland, Presidents Eliot and Butler, Bishop Potter and other dignitaries, publishes an illustrated periodical.

The National Civic Federation has instituted various searching investigations. The prime object of this society was to bring about a better understanding between labor, capital and the public; but the activity which has been most in the public mind is the appointment of a Public Ownership Commission, which was sent abroad to study this question in Europe, and which made a report on the whole unfavorable to public ownership. The recent discovery that the expense of this Commission was in considerable part paid by New York traction companies and magnates has gone far to undermine the influence of the Federation. Another interesting organization is the American Society of Municipal Improvements, which is made up entirely of experts in city work; it busies itself particularly with paving, street lighting, water systems, and the like. The American Civic Association, recently made by the amalgamation of two previous societies of kindred purposes, has between 2,000 and 3,000 members. Last year it struck a vigorous note by calling public attention to the danger to the scenic grandeur of Niagara Falls. Its officers appeared in behalf of the public before various commissions and the Secretary of War; and up to the present time have succeeded in holding up schemes for the further withdrawal of water from the river. Of all the national societies, that one which addresses itself most directly to the causes of bad city government and the means of improvement is the National Municipal League, which from slender beginnings in 1894 has grown to a membership of 1,300 and a very large influence through its meetings and publications, particularly its Municipal Program and Report on the Nominations of Municipal Officers. Its president is Attorney-General Bonaparte. Two other societies just formed, which ought to have found a place within the American Civic Association or the National Municipal League, are the National Playgrounds' Association and the International Association for the Prevention of Smoke.

It is this combination of the reformer and the reformable, of the critic and the practical man which threatens the power of the boss and the grafter. Perhaps the last-named gentlemen have no fair chance to state their case; for there is no national association of defaulting treasurers; no society of police captains on the make; no American dust and waste paper league, devoted to showing through the camera the beauties of the ash-dumps. On the other hand, the reform associations are, perhaps, too many for their own efficiency. If all, or a considerable number of the various civic associations could combine once a year for a city week, they would much more powerfully affect public opinion and circulate their improving ideas.

Perhaps, also, the cause could be aided by the founding of an organ of municipal reform. The excellent quarterly periodical known as "Municipal Affairs" was suspended in 1902 after five years' effort. The "Municipal Journal and Engineer" con-

**An Organ.**

tains a world of information about the cities; it tells us about "Rochester's Milk Work;" it calls public attention to the Western city which has recently been criminally prosecuted for building a dam without a fishway; it graphically describes Mayor Wolz, of Fremont, Neb., revolver in hand and backed up with the entire fire department armed with streams of water, driving off a gang of Union Pacific laborers who were trying to lay a track without a franchise; but its chief interest is on the technical side of construction and administration.

There is no denying the great effect produced throughout the country by these societies; they bring together into common action men and women scattered throughout the Union; they call public attention not only to evils in a particular city, but to types of evils which need wholesale reform; they combine the expert and the educator; above all and through all, they appeal to that public sentiment which is the starting-point of all reforms.

**THURSDAY AFTERNOON SESSION.**

BROWN AUDITORIUM, *Thursday Afternoon,* }  
November 21st, 1907, 3 P. M. }

**THE CHAIRMAN** (Mr. Richardson): Mr. Bonaparte was obliged to leave us this morning. In bidding him good-bye, he expressed his regret very strongly that he could not remain with us. I told him it was only another instance of the evil effects of the intrusion of national business into municipal affairs. I told him, also, the National Municipal League was a little like St. Denis, of France, who had to travel without his head. Mr. Bonaparte suggested that it was also like the saint in the fact that it seemed to get along very well without its head. [Laughter.]

The first paper this afternoon is a paper on the "Galveston Plan of Government," by Dr. W. B. Munro, of Harvard University. We shall be very glad to hear from Dr. Munro. [Applause.]

Dr. Munro then read his paper, which will be found in full in the Appendix.

**THE CHAIRMAN:** It seems necessary to interrupt the program for this afternoon for a few minutes in order to secure the consideration of an item of deferred business. You will remember that in the meeting yesterday afternoon we had an exceedingly interesting discussion in regard to the influence of national parties and national issues in municipal affairs. The expression of opinion was so unanimous at that meeting that a committee was appointed to prepare a resolution to express the views of the

League. I believe that committee is ready to report. Mr. Paine was Chairman of the committee, and we shall be glad to hear from him.

MR. PAINE: Mr. Chairman, in behalf of the committee appointed at the meeting yesterday afternoon to report to the League, the committee reports the following resolution:

**Resolution**      *Resolved*, First, that the exclusion of national parties from municipal elections is desirable.

Second, that it can be achieved by the development of a strong public opinion in favor of it.

Third, that such development should be advocated and promoted.

Fourth, that whenever public opinion is sufficiently advanced, the laws should be made to favor it.

In behalf of the committee, I move you the adoption of that resolution.

The motion was seconded.

THE CHAIRMAN: You have heard the resolution as read. What action will you take upon it?

HON. LUCIUS Q. C. GARVIN: Ought not the resolution to go farther and specify how the national parties should be excluded? Might it not say that the name of the national parties shall not appear upon the ballot?

THE CHAIRMAN: I think that would follow from the words of the resolution: "whenever public opinion is sufficiently advanced." It is one of several methods which have been discussed and suggested. The resolutions, as I understand them, for the present, are simply an expression of the need, that it is desirable that national parties should be excluded; that it can only be done by public opinion strongly expressed; and that when that public opinion is sufficiently advanced, the necessary modifications of the laws, including the ballot and the names of the parties on the ballot, and other features that now almost exclude independent action, shall be modified. I think it is probably as far as the League can go at this meeting. I don't want to make a speech on the subject, but merely state this in answer to your question. Shall I put the question on the resolution?

The question was called for, and, on being put to a vote, was declared carried.

THE CHAIRMAN: The next item on our program is a paper on the Des Moines plan, by Silas B. Allen, Esq., of Des Moines. Mr. Allen is not able to be here and Mr. Charles Morris Howard, of Baltimore, has kindly consented to read the paper. We shall be glad to hear from Mr. Howard.

For Mr. Allen's paper see the Appendix.

THE CHAIRMAN: The next item on our program is a paper on "The Newport Plan," by Rear Admiral F. T. Chadwick, U. S. N., retired. We shall be glad to hear from Admiral Chadwick. [Applause.]

Rear Admiral Chadwick then read his paper, which is printed in full in the Appendix. In the course of his reading the Admiral diverged from his manuscript to say:

REAR ADMIRAL CHADWICK: I may mention here, as I understood, an error was made by the first speaker in calling the German system a bureaucracy. The German town is under the government of a council. Berlin has a council of 146 and the town is wholly under the council. The administrators are eighteen paid and eighteen unpaid coadjutors, but they are merely the administrators; they are governed by the council.

THE CHAIRMAN: The next paper will be the concluding one for the afternoon. It is on "How Chicago is Winning Good Government," by George C. Sikes, of Chicago, Secretary of the Municipal Voters' League of that city. It will be read by Mr. Elliott H. Goodwin, of New York.

Mr. Sikes' paper is printed in full in the Appendix.

THE CHAIRMAN: We will now have the report of the Auditing Committee.

Mr. McCLINTOCK: "Your Auditing Committee reports that they have examined the books and vouchers of George Burnham, Jr., Treasurer of the National Municipal League, covering the period from April 1st, 1906, to March 31, 1907, and find them accurately cast and properly vouched.

[Signed] OLIVER McCLINTOCK,  
EDWARD M. HARTWELL.

*Providence, November 21, 1907."*

THE CHAIRMAN: The report will be filed.

The hour is very late. If there is any one who wishes to remark on the papers we have had this afternoon, who can confine his remarks to the space of two minutes, or at the outside three minutes, we shall be glad to hear from him, but I think we ought to adjourn in ten minutes.

In the absence of any remarks, the meeting stands adjourned.

## FRIDAY MORNING SESSION.

### JOINT SESSION.

#### MUNICIPAL HEALTH AND SANITATION.

SAYLES HALL, *Friday Morning,* }  
*November 22, 1907, 10 A. M.* }

Doctor Alexander C. Abbott, Chief of the Bureau of Health, Philadelphia, presiding officer.

DOCTOR ABBOTT: I take very great pleasure in opening this session this morning for several reasons: First, it is an experimental session, since neither of the organizations has ever formally taken up the matter of

public health; next, because it gives me an opportunity of interesting a lay body, or semi-lay body, in a study that is very close to them.

The program will be a long one, and so I will therefore, without going any further, so far as my own part is concerned, call upon the speakers of the morning to proceed with the program.

The first speaker of the morning on the program is Doctor G. W. Goler, health officer of Rochester, who I am sure will present to us some very valuable information. I am glad to say that Doctor Goler has made for himself a most enviable reputation by his splendid work in the matter of feeding infants, and particularly in the question of a public milk supply for a large community, and I think I can safely say that he has been more successful in those efforts than any single health officer with whom I am acquainted. I have great pleasure in introducing to you Doctor Goler.

Dr. Goler's address, "Work for Personal and Public Hygiene in Rochester," is to be found in full in the Appendix.

THE CHAIRMAN: As I listened to the interesting paper of Dr. Goler the thought came into my mind that we might profitably adjourn the meeting and digest what he has said, because it seems to me that the ideals Rochester has set for itself are certainly very high and of the right kind. I shall not ask for any discussion for the present moment on Dr. Goler's paper, for the reason that the one that is to follow it, by Dr. Chapin, of Providence, and the one that is to follow that, by Mr. Baker, of Montclair, are on essentially the same subject, and I think it may economize time, perhaps, to discuss the three papers together. I will, therefore, call upon Dr. Charles C. Chapin, Superintendent of the Providence Board of Health.

Dr. Chapin's paper, "Sanitation in Providence," is to be found in full in the Appendix.

THE CHAIRMAN: The next paper of this group is by M. N. Baker, C. E., President of the Montclair (N. J.) Board of Health.

Mr. Baker's paper, "Notes on the Board of Health of Montclair, N. J.," is to be found in full in the Appendix.

MR. WOODRUFF: Mr. Burnham prepared a resolution before he went out, which he was unable to present personally, and therefore asked me to do it for him; and, with your permission, at this time I should like to offer it, inasmuch as, in a way, Mr. Baker's paper leads up to it. Mr. Burnham's resolution is:

"*Resolved*, That in the opinion of the National Municipal League and the American Civic Association, the time has now arrived when experts in public health and sanitation should be placed in charge of our municipal health departments, so far as possible."

On Mr. Burnham's behalf, I move that resolution.

The resolution was seconded.

THE CHAIRMAN: It is open for debate. If there is no debate upon the



resolution, all those in favor of its passing will signify in the usual way by saying "Aye."

The resolution was carried.

THE CHAIRMAN: I understand that Mr. Oliver McClintock, of Pittsburg, is in the room and desires to offer a resolution. We should be very glad to have him do so.

MR. MCCLINTOCK: Before offering this vote of thanks by these two associations, I beg the indulgence of the members for a few remarks I wish to make.

Mr. Chairman, Ladies and Gentlemen: I am sure that I voice the unanimous sentiment of these two associations when I say that we deeply regret that the end of this delightful visit and conference has come and we must say good-bye to each other and to the good people of Providence. I have attended several of the annual conferences of the National Municipal League, but I think I have never attended one where an unbounded hospitality on the part of the entertaining city, admirable arrangements for the conduct of the meetings, and able and exhaustive discussions of the topics considered have combined to produce so delightful and so successful a conference as this has been.

As I came hither this morning through the beautiful entrance to the classic campus of Brown University I saw carved in stone over the gateway the device which constitutes the seal of the city of Providence. The well-known figure of Roger Williams, with his high hat, the first settler and founder of Providence, stands in the bow of his birch-bark canoe, while the aboriginal red-man, standing upon Slate Rock and extending his hand welcomes him and his five associates with the words, "What cheer, ne top"—that is, "How d'ye," or "Welcome, my friends." It seems to me that this picturesque legend fittingly expresses the hospitable welcome which the descendants of Roger Williams and his five associates have extended to our visiting associations.

If the people of Pittsburg, my native city, will ever be so fortunate as to have the annual meetings of the National Municipal League and the American Civic Association held in their midst, we may aspire to imitate, but not to equal, the welcome and hospitality which these associations have enjoyed while in this city.

Therefore, Mr. Chairman, I offer the following resolution:

*Resolved*, That the hearty thanks of the members of the National Municipal League and the American Civic Association, assembled in joint conference in the city of Providence, be given for the generous, substantial and sympathetic hospitality of our hosts, namely, the Governor of Rhode Island, the Mayor of Providence, Brown University, Public Park Association, Board of Trade, University Club, Providence Public Library, Economic Club of Providence, Art Club of Providence, Municipal League

#### **Providence Hospitality**

#### **Resolution of Thanks**

of Providence, Rhode Island Business Men's Association, Federation of Rhode Island Churches, and the Rhode Island League of Improvement Societies.

We would make individual and special mention of the indefatigable and painstaking efforts of President Faunce of Brown University, of Mayor McCarthy and his Executive Committee of Arrangements, and of Mr. R. P. Brown and his Reception Committee, who have unitedly provided in every way for the personal comfort and enjoyment of our members and have greatly promoted the success of the conference.

We would also make acknowledgment of our great indebtedness to the public press of Providence for their extraordinary journalistic achievement in their intelligent and complete reports of the proceedings and their appreciative and sympathetic editorials, which have interpreted the objects and work of these meetings to the public at large. Their wide publicity has contributed a large element to the success of our conference.

We have had a delightful stay and a most successful meeting. We have found a glad and sympathetic hospitality in the hearts and homes of the people of Providence. While the members of these two associations will depart to their respective sections with renewed courage and increased wisdom to grapple with their own local difficulties in the way of better and more beautiful municipal conditions, we hope that the people of Providence will retain pleasant recollections of our visit and also receive the blessing vouchsafed to him "who giveth a cup of cold water to a disciple."

THE CHAIRMAN: You have heard the resolution. That is before you for discussion.

All in favor of the passage of that resolution will signify the same in the customary manner.

The resolution was unanimously carried.

THE CHAIRMAN: The next paper is that of Doctor W. T. Howard, of the Western Reserve University, Cleveland. Doctor Howard is not here personally, and his paper will therefore be read by title.

[The chairman reads the paper by title. See Appendix, "Public Health and Municipal Sanitation in Cleveland."]

This group is now completed and open for discussion.

DOCTOR GOLER: In fairness to the other speakers who are to come, I move, sir, that the discussion of this group of papers, of which mine happens to be one, be continued after and along with the papers that are to come.

THE CHAIRMAN: As I understand you, it is your suggestion that we complete the program before going into the matter of discussion at all?

DOCTOR GOLER: That is it.

THE CHAIRMAN: If that is the desire of the meeting, then we will pro-

ceed on that line. Doctor C. O. Probst, Secretary of the Ohio State Board of Health, will speak upon "Municipal Sanitation, and its Relation to State and National Government." Doctor Probst, of Columbus, Ohio.

Doctor Probst's paper is printed in full in the Appendix.

THE CHAIRMAN: Doctor John I. Cronin, of the New York Department of Health, will present his paper on "The Medical Inspection of the Public Schools in New York City."

Doctor Cronin's paper is printed in full in the Appendix.

THE CHAIRMAN: We will now have the pleasure of hearing from Doctor W. C. Woodward, Chief of the Washington Bureau of Health.

For Doctor Woodward's paper, "Health and Sanitation in the District of Columbia," see the Appendix.

THE CHAIRMAN: The next and last paper on the program is that of Doctor W. A. Evans, Health Officer of Chicago.

Before reading his paper Dr. Evans said:

DOCTOR EVANS: *Mr. Chairman, Ladies and Gentlemen:* I have been instructed by my co-workers in the Department of Health of the city of Chicago to offer the following resolution:

*"Resolved,* That this meeting recommend that the next national census of cities of 300,000 inhabitants and over be taken by city blocks or squares; and also,

*"Resolved,* That a copy of this resolution be forwarded to the Superintendent of the Census."

In moving the adoption of this resolution I wish to explain that the census in times past has been taken according to political divisions of the city; that it not infrequently happens that the information gained is not of value, and frequently is directly misleading. I have in mind one division of the city of Chicago, in which certain portions thereof, in certain blocks thereof, there is a population density of 250 to the acre, ranging in certain districts to 263 to the acre. By reason of the fact that a large part of that political district is uninhabited, is occupied by vacant ground, or by pools, the political district shows an acreage density of four and one-tenths, and when we come to study the distribution of density there we are misled by the statement that there is a stated and official density of population of four and one-tenths. In order that this may be remedied this resolution has been offered, and I move its adoption.

**Census Taking  
by Blocks**

The resolution was seconded, and on being put to vote was carried.

THE CHAIRMAN: It is so ordered, and will be transmitted to the proper source.

Before Doctor Evans goes on with his paper, I am requested by the Secretary to read an announcement to the effect that the Executive Committee of the National Municipal League has resolved:

**Committee on  
Health and  
Sanitation**

*Resolved*, That a committee of seven be appointed by the chairman to consider and report as to the best methods of promoting co-operation between the national, state and local governments in regard to matters affecting municipal sanitation.

*Resolved*, That the said committee be authorized to consider the subject in conjunction with a similar committee of the American Civic Association, if such should be appointed.

DOCTOR EVANS: I want to begin by saying I shall put some stress upon the bulletin which we issue, and there are multiple copies of the bulletin on the table. Those copies that are bound we should like to have back, and the copies that are unbound are for distribution. I have a copy of the last annual report, which is marked plainly so as to indicate the decrease in the death-rate among infants or children under two years of age. We would like to retain that copy also. The unbound copies are for distribution.

Doctor Evans' paper, "Chicago's Municipal Sanitation," is printed in the Appendix.

At the conclusion of his paper Doctor Evans said:

DOCTOR EVANS: You have been frequently told here to-day that whilst large sums of money have been and are being expended by the government for the regulation and protection of the health of its animals, that smaller sums, and in some instances, no moneys are being spent for the protection of the health of its people. This is unquestionably true. It is also true that where this government has launched its energies against disease, those energies have been launched largely against

**Government  
Activities**

the disease of our possessions. Our laboratories are studying the diseases of the Filipinos and the Cubans, and our expeditions to eradicate disease have gone to Porto Rico. The moneys that have been spent and the efforts that have been exerted by our government for our own people have been inconsiderable. I want to say to you that the reason for this condition of affairs rests with the people themselves. Moneys are being spent for diseases of animals, and the diseases of grass, and the diseases of plants, and the diseases of soil, because the farmer in his might has demanded that money shall be so spent, that there shall be exercise of paternalism along these lines. That which I want to ask of the people here to do is to exert your influence throughout this land that the mothers and fathers, that those at the head of families might exercise their influence over Congressmen,

over legislators and over administrators to say that there shall be equal expenditure of money, to demand that there shall be equal care and equal research and equal control, to the end that preventable disease may be prevented, and to the end that our people may be stronger, more vigorous and abler to cope with the problems of life.

THE CHAIRMAN: That completes the papers on the program. They are now open for discussion. As there is no discussion upon them, I declare the meeting adjourned, and I think that we can all say that this experimental meeting has certainly proved to be a success.

The meeting then (at 1.20 p. m.) adjourned *sine die*.





# APPENDIX

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CONTAINING THE PAPERS READ BEFORE  
THE PROVIDENCE CONFERENCE FOR  
GOOD CITY GOVERNMENT



## Government by Public Opinion.

By the Honorable CHARLES J. BONAPARTE, Baltimore,  
Attorney General of the United States and President of the National Municipal League.

There is nothing patentable in the discovery that ours is a government by public opinion: the statement of this fact has, indeed, become so mechanical through long-continued repetition and the absence of all contradiction that a good many people have lost sight of its meaning, and might find no little difficulty in explaining either just what "public opinion" is or just how it guides and controls our public affairs. Now, in a popular government, a healthy public opinion is not merely the ally of all really useful and sensible reformers; in such a government it is the indispensable instrument through and by which all really useful and sensible reforms are brought about and made lasting. This League, therefore, and other bodies with like aims, should understand clearly what it is and how it acts, so as to wisely seek and surely find its help in their work. To this end I venture to trouble you this evening with some thoughts on American public opinion of to-day and on its best known and most effective agent and exponent, the present American press.

To be sure of what we mean by "public opinion," we must know what we mean by "opinion" and what we mean by "public;"

**Meaning  
of Opinion** and, in both cases, this may best be shown by pointing out what we don't mean by these terms.

Thus we must distinguish "opinion" from sentiment, from prejudice and from merely factitious clamor. During the past two months I have seen published allegations to the effect that public opinion condemns capital punishment. I consider these allegations wholly erroneous: according to my observation, public opinion—that is to say, the mature judgment of the average man—demands a more prompt and more certain infliction of the death penalty for certain crimes than is generally afforded in the administration of our criminal law, and this de-

mand too often finds expression in violent and lawless acts, or, at least, in the toleration of such excesses. What is mistaken for public opinion in this instance is a sentimental repugnance to capital sentences, and indeed to any form of punishment involving physical pain, entertained by a small, but obtrusive and noisy, portion of the community, and inspired mainly by a morbid sympathy with wrongdoers, which, fortunately for our country, is shared by very few Americans.

On the other hand, in certain parts of the Union there undoubtedly exists a genuine and widespread popular antipathy to black, red or yellow men, even to some white men of foreign birth; and its consequences are a source of anxiety and regret to all thoughtful and patriotic citizens; but the ebullitions of this almost instinctive enmity cannot be called, with any propriety of language, indications of public opinion. One might as well say that canine public opinion is hostile to cats. The word "opinion" implies the use of reason. A man has an opinion on any subject when he has reached a tentative and provisional conclusion regarding it, although on the basis of information which he may recognize as possibly imperfect or misleading. When he acts upon the promptings of mere prejudice or passion, usually he either hasn't any opinion at all in the premises or he disregards the opinion which he has.

Finally, we must bear in mind that, although a loud outcry sometimes is caused by an indignity or shock to public opinion, the outcry in itself is not public opinion, nor even any trustworthy proof that public opinion has been in fact irritated or shocked. The Federal Department of Justice and its present very unworthy head were the objects last summer of much apparently ill-informed or disingenuous censure on the part of a certain number of newspapers; and, to one who judged of the trend of public opinion from the clippings furnished by a press agency, it might well have appeared that American public opinion desired some men, and especially some corporations, exempted from obedience to some of our laws. I may not be an altogether impartial judge in this case, but I am thoroughly convinced, on what seems to my mind irrefutable proof, that American public opinion leans to-

**Outcry is Not  
Public Opinion**

wards the precisely opposite view, and demands with daily increasing emphasis that all our laws be alike respected by all our citizens.

It is even more important that we bear in mind what is meant by "public" when we speak of "public opinion." Undoubtedly at any particular time and as to any particular topic, public opinion is a picture of all the minds of all citizens whose minds present to the observer any intelligible traits respecting this topic at that time. Inasmuch, however, as these traits may vary very widely, it amounts, in fact, to a sort of composite photograph, made up of all these individual opinions, faithfully recording in its result their relative wisdom and energy and consequent force, and presenting as a basis of action the resultant of a fusion of all the opinions of all those who, in fact, have opinions. It follows that American public opinion is not the opinion of "capital" nor of "labor," whether "organized" or unorganized; is not the opinion of the "interests" nor yet of the "proletariat," if there be an American proletariat (which I do not believe); is not the opinion of East or West, of North or South: all these and many others may be elements entering into it, but it is distinct from each, just as the American people, although it includes all geographical or social fractions of the people, is essentially something different from and greater than any one of these fractions. And, finally, it is not the opinion expressed by American newspapers or any other class of professed public commentators and critics, unless these really express what the average American citizen really thinks—thinks and says by his fireside, at his plough or his work-bench, in his shop or office or counting-room—in short, wherever he thinks and says what he thinks without thinking also of those who may hear. This leads me naturally to say a few words of our press.

When the editor of the *Eatanswill Gazette* pronounced the press "a mighty engine," Mr. Pickwick "yielded his fullest assent to the proposition." Most of us have been taught to say ditto to Mr. Pickwick on the subject, but I doubt whether most of us have any clear idea how this "engine" works and what makes it "mighty." I may

**Meaning  
of "Public"**

**A Mighty  
Engine**

be, therefore, pardoned if I here point out very briefly what the press does for the good or ill of any community in which it exists—how the world was changed, in short, by the invention of newspapers.

In the first place it became, for the average man, a much larger world. Before then he, of course, knew that men lived beyond his city, or manor or canton, but they affected his everyday life almost as little as if they had lived in Mars or Venus: he heard of them so infrequently, his acquaintance with everything concerning them was so imperfect and so tardy that, for him, they could scarcely be said to exist. When the newspapers began to place beside his breakfast plate an epitome of their yesterday's history, it was as if a telescope were constructed a million-fold stronger than any yet known, through which astronomers could contemplate and afterwards report the good or ill fortune of intelligent beings on our sister planets.

This immense extension in the area of each man's attention and sympathy has naturally and powerfully reacted on his character. The change is not in all respects for the better: the unselfish interest which any one can take in the affairs of others is a fixed quantity, or, at least, is not capable of indefinite expansion, and when you spread it out broad you also spread it out thin. What we read among the "locals" of our daily paper is of far less moment to us than what he heard in the *agora* or the *forum* was to Pericles or to Cicero. When one learns so much about so many people all the time the impression left by any one incident in the life of any one person is dwarfed and deadened. We feel everything outside of ourselves the less because there is so much more that we feel a little.

But for this loss there is more than compensation in the development of our sense of proportion, and therefore of justice. In a Hindoo fable a fox, caught in a flood, cries out: "This is the deluge which will destroy the world." Many animals rush affrighted to the spot, but only to say one to the other: "We see no deluge, we see only a fox getting drowned." The newspapers make us realize that a deluge is not needed to drown any one of us: the world will roll on much as before when we no longer roll with it: the great ocean of human life will not be dried, it



will hardly be ruffled, when the little wavelet of your or my separate conscious existence shall subside. Just as the telescope teaches us the insignificance of our earth by showing us inconceivable myriads of other worlds in the vast scheme of creation, so the press mirrors the microscopic smallness of each individual by showing him how little of loss or gain to humanity the success or disaster of any one among the countless multitude of his brethren may mean.

Nor is this all. A number of years ago a gentleman, of whom I had never heard before, sent me a sort of circular giving the dates of his birth, entrance at school, graduation from college, marriage and other events, more interesting, perhaps, to himself than to me, together with various particulars of his family and professional life, and illustrated by his photograph. In a kind of preface he explained that he had caused this to be printed to serve as a letter of introduction to any one whom he might wish to know. What this curious pamphlet was intended to do for its author the press does for all mankind, it makes each community acquainted with its neighbor. And, as we know other men better, we recognize the more thoroughly and readily their likeness to ourselves and, as a consequence, the universal application of underlying moral laws amidst all diversities of national or local custom or prejudice. A well-known writer once protested against the perversion of conscience which pronounced the same conduct right on one side of a mountain-range and wrong on the other. Thanks to the newspapers, we know both countries well enough to see that, just because it is right in the one case it is wrong in the other, precisely as the color barometer is pink during rain for the same reason which makes it blue in clear weather.

It is the existence of this common moral standard which qualifies the press for its highest and most useful function. After all, the most effective instrument of coercion possessed by society against its weaker or more dangerous members is the influence of public opinion. Blackstone says that Peter the Great is reported to have decreed that none of his subjects should present him a petition without first obtaining the successive approval of two ministers: then he might present the petition, but under penalty of immediate death if it were not granted. This story is,

doubtless, mythical, but there is no doubt of fact that unpopular governments nearly always try to hamper and restrict the right of petition. No one wishes to be asked often, earnestly, and by many what he does not mean to grant. A free press, however, is a perpetual petition; it is, or it should be, always telling the government what the people wish and hope for and think right; and, as a matter of history, no government in any country out of sympathy with the people it ruled, has ever permanently tolerated a free press: sooner or later it has been always forced either to muzzle the press or to change its own principles. This has not been only or mainly through fear of popular disorder: this fear, when alleged, has been more frequently a pretext than a real motive. In truth, no man wishes to know that his fellow-men generally hate or despise him, and, if he cannot otherwise shut out the fact from his consciousness, and has the power, he will gag them.

It must be noted, however, that the power of the press in this regard arises from the fact that it speaks, or is believed to speak, what everybody is saying at the time. As soon as a paper is recognized as somebody's "organ," as expressing the views and wishes and opinions of any particular man or set of men, its healthful influence as a newspaper is gone: it may, indeed, have another kind of influence, for those who control or conduct it may be powerful men, but its editorial utterances are simply their "open letters."

In my judgment, this is a matter of very serious and urgent concern to the American people to-day. Certain of our newspapers, including some whose influence within my memory—indeed, within but a comparatively few years—was a power, and a power for good, in the community, are now firmly and widely believed to be virtually, or even literally, owned by well-known "interests;" in other words, by wealthy men engaged in far-reaching enterprises. This widespread and very confident belief as to such ownership makes them virtually "trade organs," with but little more influence than the papers published avowedly as such; and, what is even more unfortunate, it leads to a very

general suspicion that other papers may be secretly in the same situation; the large capital now needed for success in a newspaper enterprise rendering these suspicions the more plausible. A newspaper under suspicion is almost as maimed for healthy influence as if the suspicion has been proven well founded; for the legitimate and salutary power of a newspaper lies in its showing and being thought to show the "first thought" of the ordinary citizen on all matters of current public interest: that "first thought" of which Talleyrand warned the world to beware "because it is good." In showing this it does the community a double service: it gives shape and direction to public opinion and it enormously increases the latter's force. A society without a newspaper of influence resembles a meeting where no one is ready to make a motion; every one present may have a more or less distinct idea of what should be done, but unless somebody puts that idea into words it all ends in muttering and confusion. Moreover, the greater mass of mankind do not know what they really think until somebody tells them: they recognize their own opinions when these are expressed for them by another; then, and only then, are they ready to act.

It must be remembered in this connection that an editor is necessarily a politician, or, at all events, he ought to be one.

**An Editor, a  
Politician**

Unless he has definite opinions on all questions of general public interest and is ready to express them he has no business to be an editor: indeed, he is not an editor, but is only trying to pass himself off as one. In fact, an editor is a politician whether he wishes to be or not; if he will not speak on subjects connected with politics, his very silence is a way of dealing with them; he resembles a judge who should dismiss every suit brought before him because he was too indolent or too timid to decide it—the dismissal would be a decision; and, in like manner, a newspaper's refusal to act is itself action, and usually very discreditable action. To fail the friends of good government is to serve its enemies. And if the editor wishes, or pretends to wish, for what we may call "purity" in politics, he is bound in consistency to show himself a pure politician; if his action or inaction, his speech or his silence be determined by the purpose to advance, not the public good, but his

own private interest, then he is himself "a part" (and a very disgusting and dangerous part) "of the thing to be reformed." Reputable newspapers are careful lest what they publish as advertisements be confused with what they publish as news or comment. In some papers I have often seen the word "advertisement" prefixed to some item. But it is just as much a fraud on the public to write something yourself which you are, directly or indirectly, paid to write and publish, and then publish this as a spontaneous expression of your true sentiments, as it would be to publish in the like guise what somebody else has written. If it be but right to head the puff of a medicine or a watering-place "advertisement" because it is paid for, then an editorial in which the writer says what he doesn't think, or says substantially nothing because he is afraid to speak his mind, and does this for pay, of whatever kind or extent and in whatever form, ought to have the same caption.

It would involve an unreasonable demand on your patience to point out this evening all that I think newspapers could do and ought to do to advance the public good. There is, however, one thing which they must do if they would be, in this field or in any other, an agency for good, and that is to think and tell the truth. A habitual liar is disqualified for any good work. Unless a man see things as they are and would have others thus see them likewise, he can never aid in making them better. The first duty of the press is to hold up before the people a faithful mirror; if it display distorted pictures, it fatally betrays its trust. No worthy end was ever accomplished through deception, whether of ourselves or others. If we are threatened by overshadowing dangers, to escape them we must first see them and see them as they are. Americans can say with confidence: "We will know the truth and the truth shall make us free."

## The Battle for Betterment.

By CLINTON ROGERS WOODRUFF, Philadelphia,

Secretary.

The militant character of the modern municipal movement has long been conspicuous; but never more so than during the last eighteen months. The fight against graft has grown in extent and intensity. The battle against inefficiency, ignorance and indifference has been waged on every side. The regular army of city clubs, municipal leagues, citizens' associations and civic fed-

### **Militant Character**

erations has been reinforced by the volunteer corps of city parties and committees of various types. The public official, to a far greater extent than ever before, has enlisted for effective service in the cause of decency and higher standards. In short, the battle for betterment is on in every community and is being waged with varying fortunes at times; but the army, ever increasing, is pressing steadily forward against the intrenchments of the enemy of public order and the common weal and toward the goal of a higher public life and cleaner politics.

During the present year the attack on official graft has, on the whole, been the most vigorous. The San Francisco prosecu-

### **Official Graft in San Francisco**

tions have, quite naturally, occupied the largest share of public attention. They have been so far-reaching, they have been directed against offenders of such high standing and have been so uniformly successful that the whole country has been aroused to their importance.

The one overshadowing fact in San Francisco's affairs has been the proof that the public-service corporations had debauched



its government by bribing the supervisors and other municipal officers, through the instrumentality of former "boss" Abe Ruef and former Mayor Schmitz. The indictment of the officials of the principal public-service corporations in San Francisco for bribery has followed the advent of Francis J. Heney and William J. Burns, and the trial and conviction of Mayor Schmitz, Abraham Ruef and Louis J. Glass, President of the Pacific Telephone and Telegraph Company have been the tangible result of the prosecution so far. While this is being written Terey L. Ford, ex-Attorney-General of California, and now general counsel for the United railroads of San Francisco, is on trial for bribing one of the supervisors to vote for the overhead trolley franchise after the fire.<sup>1</sup> Patrick Calhoun, one of the most prominent financiers in the United States in railroad construction, has been indicted, and is to be placed on trial at an early date.

The business men of San Francisco, as a class, are said to be in favor of calling off the prosecution, on the ground that a man is justified in committing bribery to help his business, and they condemn Mr. Spreckles, who is financing the prosecution, and Mr. Heney, who is conducting it. The carnival of corruption which has held sway in San Francisco in the last six years resulted in the lowering of the city's morals almost to the zero point. Many business men justified the bribery because they had committed it; and the laboring population were satisfied with the situation so long as their demands were acceded to; the police were leagued with crime and criminals, because their superiors had been committing felonies; and the children in the schools made graft and grafters the subject of childish jests, and justified grafting on the ground that everybody did it.

The majority of the people of San Francisco are unquestionably honest and desire to have honesty in their municipal affairs, but at times they have been woefully indifferent to the demands upon them. They met the test, however, on November 5th, when they re-elected Mayor Taylor (chosen to succeed the notorious

<sup>1</sup> Mr. Ford has since been acquitted; but there are still a dozen untried indictments against him.



and malodorous Schmitz), who had been nominated by the Independents and had refused the endorsement of the two national party organizations, and likewise reelected as district attorney William H. Langdon, who had inaugurated the prosecutions, who indicted his own colleagues, who could not be pulled off—in short, the man who, with Spreckles, Heney and Burns, has been primarily responsible for the purging of San Francisco.

In Pittsburg a broker has been convicted, along with the president of the company (who refused to defend the charge against him), for conspiracy to bribe the councils

**In Pittsburg** to pass the Pittsburg and Tube City franchise ordinance. A councilman was convicted of soliciting a bribe of \$7,000 from the broker and the president to secure the passage of the ordinance. Thus the three interests involved, the corporation, the councilman and the go-between, are securing their just deserts. The disclosures came about through the convicted men failing to keep their agreements with each other.

In Peoria, Illinois, two former members of the board of highway commissioners have pleaded guilty to an indictment charging them with the misappropriation of the public funds. In Milwaukee a number of convicted grafters will have to go to jail, the Supreme Court of the State having declared their technical appeals unfounded. Recently another official confessed to a shortage in his accounts and pleaded guilty. An alderman has just been convicted of soliciting a bribe. In Columbus, Ohio, a lumber merchant has been found guilty of defrauding the city by presenting vouchers for electric-light poles which were never delivered. New Jersey has a legislative commission at work to discover if there has been any graft in the conduct of state affairs, as well as to make suggestions in regard to the more efficient and faithful conduct of business.

The disclosures of the Pennsylvania Legislative Committee in the State Capitol scandal have surprised and shocked the whole country. As a result eighteen defendants have been indicted and will be tried by the Attorney-General in January, 1908, for their complicity in the gross frauds practiced on the State.

St. Louis, which a few years ago was the center of a vigorous

campaign against official graft, seems to have forgotten its lessons, and recent dispatches disclose a serious state of affairs. Late in October developments came thick and fast in the investigation conducted by the grand jury soon after City Councilman Linde had been indicted for malfeasance in office. When the charge was made against him he made a clean breast of his connection with contracts that have been let by the city, implicating several members of the city's legislative bodies, and wholesale indictments are expected later. He also announced that he would resign his office and would tell the truth before the jury.

The present prosecution, in commenting on the St. Louis cases, has said with truth and effect that, during the term of his predecessor (Joseph W. Folk), "the gang then in control of the legislative power of the city, grown bold after a quarter of a century of uninterrupted carnival in official dereliction, crime and corruption, were brought to halt and blistered by the law and public opinion.

"The crusade then instituted left in its relentless trail misery and suffering beyond compare—death, insanity, imprisonment and degradation marked its course. This lesson was drastic, and by all marks and signs of human action and understanding it promised St. Louis a better day. It so impressed him who was charged with the conduct of the war then waged that he, as the chief executive of the State, has since extended its mercy (pardons) to those whom he convicted and who had been given long sentences. He did it in response to a demand growing out of sympathy engendered by the conviction that a permanent reformation had been brought about and that the ends of justice in the fullest sense had been achieved. But in less than four years thereafter we find the same practices indulged in, and this progressive, ambitious and promising city is again enthralled—held in the vise of official corruption."

The work of purging will have to be done again, but the significant features are that the space of time elapsing between the two experiences is so short and that the city has public officials who can be depended upon to probe the inquiry and force the remedy and punishment.

From San Francisco comes word that a plan has been nearly perfected for a permanent safeguard against the graft. It is expected that it will be put in operation by the first of the year. The plan contemplates the formation of a civic auditing agency, which is to follow every movement of the city government, and every officer from the mayor down. Rudolph Spreckles is reported as saying that the scheme could be put into practice at an expense of \$100,000 a year, and that it would effect a saving to the taxpayers of \$3,000,000 to \$3,500,000.

Persistent and minute espionage of public officials may, at first blush, seem to be an unwarranted interference with their personal rights, but it is in the interest of the public, whom they are elected to serve, and of their own character that unwarranted extravagance or expenditures be exposed and discounted. The Wisconsin Legislature passed a law which provides that no city, town, village or county official should have a pecuniary interest as a stockholder or otherwise in any corporation which is interested in a bid, contract or proposal for public work or supplies of any kind whatever. When such connection with a private business becomes known, the office is to be forfeited forthwith.

State officers, boards or commissions in New York State can investigate their employees, according to a bill recently approved by Governor Hughes, and it is expected that many of the newly-elected officers will take advantage of the act and do a little investigating on their own hook. It has been hinted that the principal reason for the bill was to give some of the Governor's new appointees to do some house-cleaning on their own account.

The various (and it is a pleasure to record the increasing) efforts that are being made by party organizations to put a stop to electoral fraud and corruption through mutual agreement are indicative of the new spirit which is abroad. The following is a copy of the now famous "Elmira Compact," which has set the standard for other communities and has been instrumental in eliminating the corrupt use of money to influence votes in Elmira. It has been lived up to for the past three successive years and has marked a new epoch in municipal politics. The compact was entered into

**Safeguard  
against Graft**

**The Elmira  
Compact**

by political managers of Elmira and Chemung County in 1905 and has since been observed. It provides:

"First. That the amount of money to be placed by each of the said organizations, or their candidates, in each of the election districts shall not exceed the sum of forty dollars to a district.

"Second. That no expenditure of money or promise of money shall be made on election-day, or prior to or after election-day, or by either party or its representatives, for the purpose of purchasing or influencing votes, nor for any other purpose than the legitimate expenditure for the legitimate organization and educational work of the campaign.

"Third. It is further agreed to unite to bring about the arrest, prosecution and conviction of any person or persons who engaged in the violation of the law and its provisions in reference to bribery at the polls.

"Fourth. It is further agreed that a reward of \$100 be paid in each case for information resulting in the arrest and conviction of any person or persons guilty of any violation of the provisions of the election laws.

"And the agreement concludes with these words: 'And we hereby jointly and severally pledge ourselves to do all in our power to secure the renewal and continuation of this agreement in the future.'"

The Republican and Democratic State Committees of New Jersey, at the instance of Governor Stokes and of the Society for Preventing Corruption at Elections, signed an agreement for the conduct of the gubernatorial election just closed, which provided that the two committees would, to the utmost of their ability, endeavor to enforce existing laws against bribery at elections, and discountenance any infraction of the law thereupon by the committee or the subordinate committees of the respective parties; and that they would discountenance in every way possible the contribution and distribution of funds by candidates, committees or others for use in corrupting the ballot; and that they would urge the chairmen of the respective parties in the several counties and cities to agree as to the amount (if any) to be paid for poll-workers at elections, provided that no one be employed by either party as a poll-worker who was not eligible



to vote at the primary of that party immediately preceding such election.

The parties to the agreement recommended the appointment of a permanent committee of conference, to the end that the agreement might be made permanent and that the respective parties might, by united effort, perfect existing law that it may be made stronger, more readily enforced and more certain in execution, and that the committee be authorized to recommend to the next Legislature such further legislation as they shall deem advisable for the safeguarding of the ballot.

Similar agreements have also proved effective in parts of Maryland. May their execution and enforcement be multiplied until they cover all city, state and municipal campaigns!

While the year just closing has been less productive of sensational campaigns than have some of its immediate predecessors,

**Lack of Sensationalism** it has, taking it by and large, been an eventful, suggestive and encouraging one. While there have been set-backs and reactions in some places, the general trend has been toward betterment. The forces of decency and uplift are scoring steady advances even in those communities sometimes mistakenly spoken of as hopelessly inert and indifferent, and enslaved by an arrogant enemy.

Boston has not been as conspicuous a factor along political lines as its progressiveness in other fields of activity, notably those of civic improvement, would justify one in reasonably expecting. The great event of the

**Boston** year has been the disclosures incident to the investigations of the Finance Commission composed of leading business men, whose expenses, through the force of public opinion, have been paid out of the public treasury. There has been nothing strikingly new thus far revealed. It is the old story of the prostitution of the public interest for party and personal advantage, resulting in inefficiency, corruption, and the degradation of the public service. The voters of Boston at the municipal election in December will have to determine whether they are willing to condone this sort of thing in order that their dominant party may suffer no loss in its prestige, or whether they, like the citizens of Cleveland, Toledo and San Francisco, on November 5th, will

place public welfare above party success and turn out those who have been responsible for the degradation of the city and the besmirching of its good name.<sup>2</sup>

Providence, however, has for a number of years past displayed commendable independence, usually electing a mayor from the minority party, and with commendable frequency re-electing tried officials irrespective of party designation. Unfortunately the custom, for such it has almost become, of choosing a mayor from the opposition party is fraught with very little practical administrative advantage, for the city is mainly governed through councils and through state commissions.

The present incumbent of the mayoralty, the Hon. P. J. McCarthy, has adopted a policy designed to offset the disadvantages of the anomalous position in which he is placed, in that he can make no appointments except by "the advice and consent of the city council, who, if they are unable to agree to the mayor's nominations, are empowered to elect somebody on their own hook. Mayor McCarthy has chosen an advisory board, or "cabinet," from among the most capable and prominent men of the city without regard to their party politics. It represents all classes and it is able to give expert testimony in all of the different directions in which the mayor is called upon to decide. They are men of such standing that their recommendations, especially if unanimous, cannot lightly be turned down for partisan reasons.

Governor Hughes has been the great overshadowing issue in New York. His strong character and personality, his determined stand for the rights of the people as against the privileges of the politicians, his election as the only Republican who pulled through, his defeat of the sordid men who have abused public power for personal and political ends, his forcing of the Legislature to heed the demands of the people, constitute the great achievements in New York State and City since he came prominently before the public eye by reason of his skillful revelations in the insurance iniquity.

<sup>2</sup> The result of the December election would seem to indicate a willingness to do so.—EDITOR.



Not only has every sound, progressive municipal movement in New York been helped by his action, but those in all parts of the land. He has enheartened the municipal worker everywhere. He has infused new life and energy into every local aspiration for municipal righteousness. He has pointed the way, and many have been those who have indicated their intention to follow therein. He preëminently represents the new political spirit which is abroad.

As always, there have been many events occurring in New York of great interest to municipal students everywhere. Notably the effort to have the President of the Borough of Manhattan removed on the ground of inefficiency and the working out of the bill passed through the Legislature, by the insistence of the Governor, providing for a recounting of the votes cast in the Hearst-McClellan campaign of 1905.

The establishment of the Bureau of Municipal Research is an occurrence of more than ordinary concern. It represents a careful, intelligent effort to improve and reorganize municipal affairs through the medium of uniform and effective bookkeeping and accounting. It is exceedingly difficult to discover irregularities in the method of handling the funds of a city, unless there be some uniform method of accounting that will enable an investigator to ascertain easily just what certain funds have been spent for and to compare such expenditures with the appropriation and with former appropriations and expenditures for like work and service in the same city and elsewhere. Such work is of distinct service in helping to raise the standard of efficiency of municipal government, but care must be taken lest some of the advocates of the necessity for such work conclude that they have arrived at a panacea that will cure most of the ills of municipal misrule. No system of bookkeeping will either make public officials honest or make a dishonest official fear to make such entries as will cover up his large or petty graft. Such bookkeeping is a method, and a highly useful one, that will aid in discovering such irregularities. The largest factor in minimizing such misconduct, however, is the pressure of public sentiment, and public sentiment is not aroused or moved by methods

**Bureau of  
Municipal  
Research**

of bookkeeping. For this purpose the public-spirited newspapers and organizations that are constantly attacking maladministration are still the largest factors in educating and molding public opinion. Uniform municipal accounting will certainly be a great aid to the work of such newspapers and civic organizations, but, standing alone, would find itself unable to accomplish any very marked reform.

In so far as the Bureau continues on the wise lines it has thus far followed it will constitute a great and growing factor in increasing the efficiency of municipal administration in New York. Its founders and managers, however, must not allow a large initial income and a large measure of preliminary success to mislead them as to the complexity and difficulty of the municipal problem and the long road that yet remains to be traveled, even after uniform accounting is an established fact.

The present city government in Greater New York continues to be a strange mixture of honesty and dishonesty, progressiveness and bourbonism, efficiency and inefficiency, **Greater** without any very well-defined civic ideals and **New York** with a constant tendency to subordinate public interests to petty, personal, political considerations. Notwithstanding all its shortcomings, the McClellan administration may justly be considered to be the best, and on the whole the most satisfactory Tammany has so far given the city, and this is no small praise when we bear in mind that the government of Greater New York involves the lives and welfare of four and one-half millions of people and the annual expenditure of \$141,000,000.

The work of the New York Legislature, thanks to Governor Hughes, was far more satisfactory to the people of the State. Not in many years has there been a session so free from suspicion of corrupt influences; not in many years has a session passed so many good and defeated so many bad measures. Moreover, the personal record and character of the individual member has been much higher than usual, as an examination of the Legislative Report of the Citizens' Union will promptly disclose. But first and foremost, the chief claim of the New York Legislature of 1907 to distinction and thankfulness lies in the fact that it enacted into law the recommendations of Governor Hughes.

The administration of Mayor Adam in Buffalo has been clean and most efficient. The Mayor is as independent of his party (which happens to be the minority one locally) as a public official can well be and not lose all touch with it, and having been a successful business man for many years has applied business methods to the city's business. There have been no municipal scandals and the government is honest and economical.

Philadelphia, having experienced an upheaval which attracted a widespread attention, and having accomplished a very considerable measure of reform in certain directions, is now resting from its labors, although its present mayor has adopted as his slogan the motto "Get busy." Thus far, however, he has mainly confined its application to circumventing the civil service law of 1906 and providing places for the martyrs of 1905.

The reform in the State's electoral machinery, as has been pointed out in another connection, has been little short of enormous.\* Three elections have been held under the personal registration law and two under the direct primary law, and there has been substantially no fraud, in striking contrast to former elections, when the cry of fraud was regularly made and usually believed and admitted to be true.

Before one jumps to the conclusion that the revolution of 1905 in Philadelphia was a mere spasm, a flash in the pan, of no effect, let him examine the record of things accomplished. The accomplishments represent a very substantial measure of progress in the direction of protecting the fundamental liberties of the people and advancing the cause of decent and effective government, and they should afford encouragement not only to the reformers of Philadelphia, but to those of every other community in the land. There may be a temporary reaction, but this much has been gained by the people of Pennsylvania: they have been given a fair and free opportunity to express their political opinions through the purification and intelligent development of their election machinery. If they do not choose to avail themselves of the opportunity, "that is another story."

#### **Electoral Reform**

\* See address of Thomas Raeburn White at the Atlantic City Conference.

The success of the Republican candidate at the mayoralty election in 1907 has been variously explained and interpreted, but one fact stands out prominently, and that is the tremendous influence of an effective organization. The machinery of the Republican party had been maintained intact and had been kept at a high point of efficiency. Its effectiveness was demonstrated, first, in securing a large registration of its voters, and, secondly, in having its voters marshaled at the primaries, when 98,000 votes were polled for the various Republican candidates, and again on the day of election, when 130,000 men recorded their preference for the Republican nominee. While the City party maintained an admirable organization, it had to depend in most instances upon the voluntary efforts of men who had other business than politics. The consequence was that it suffered from its inability to reach the voters and bring them out. Another factor which seems to have contributed to the success of the Republican candidate lay in the defection and inaction of the Democrats. While they nominated the City party candidate on their ticket, no effort was made by them to bring out their voters, and this inactivity had its natural effect in diminishing the support accorded to the City party candidates. The election, like that of last fall, was generally conceded to be honestly conducted, owing to the effectiveness with which the personal registration law had been enforced. The mayoralty primary on January 26th was the first held under the new Uniform Primaries Act passed a year ago by the special session of the Pennsylvania Legislature. The result was the largest vote ever polled at a primary election, but the candidates nominated were those favored by the leaders of the respective party organizations. The City party made a considerable gain in both branches of council, electing a number of first-class men. Among those elected to the Common Council was George Burnham, Jr., of the Baldwin Locomotive Works, and for many years Treasurer of the National Municipal League. A number of other men of good character were chosen at the same time, thus insuring a more careful consideration of municipal questions in the municipal legislature.

Pittsburg, under the distinguished leadership of Mayor George W. Guthrie, has continued to make a good record. Here is how



one thoughtful observer views the situation: "While we have forced Councils to be good, elected the best mayor in the country, put in county offices men of ability and honesty, forced the politicians to give us a good civil-service measure, I am convinced that our most important victory has been to convince the political leaders and bosses that there is a new era in politics and that for the future none but the best men can be elected to public office. I feel certain, unless there is a great change in conditions during the next year, that Flinn will again dominate affairs here in the Republican party. I believe also that he will stand for whatever is best. I think he, together with other political leaders here, have had their lesson and are really sincere in their promises. They now look at things in a different light. They know, also, if they are ever again to control the city administration, it will be only by putting in office men of the highest ability and honesty. What greater work can be done than to convert the politician? The prospects for continued good government in Pittsburg are good."

Scranton, which has also the benefit of the services of a sincere and intelligent mayor in the person of J. Benjamin Dimmick, a member of this League, continues its progressive course, quietly but none the less steadily.

The defeat of Mayor Fagan in Jersey City is regrettable, but it was the result of party treachery rather than a popular repudiation. For several years the Colby wing of the Republican party has kept up a vigorous agitation for the adoption of certain specific reforms, especially equal taxation. In the face of great odds, Senator Colby succeeded in securing the passage of measures providing for a limitation of franchises to public-service corporations and more equitable methods of assessment and taxation. So far the attacks upon these laws in the courts have failed, and the State has already reaped the benefits of the remedies afforded by them. The "new idea men," as the Colby adherents are known, added, in their recent campaign, a number of new planks, including a demand for a public utilities commission, a civil service law, a direct nomination law and a public expression at the polls touch-

**Mayor Guthrie  
of Pittsburg**

**Mayor Fagan's  
Defeat**

ing the election of United States senators. They were successful in having their planks adopted by the state convention and in the choice of a number of their assembly candidates, but they failed to secure the nomination of their state candidates.

The Legislature of Delaware, at its last session, passed an act authorizing the submission at city elections to the qualified voters of Wilmington of questions of public policy in connection with the affairs of the city, and providing that should any questions submitted receive a majority of the votes cast thereon, and the subject be within the corporate power of the mayor and council, or any department or branch thereof, then it shall be the duty of the council or commission or official, as the case may be, to adopt without unnecessary delay such ordinances, rules or regulations as may be necessary "for putting into effect the popular will thus expressed." Since the passage of the law three questions have been submitted under it.

The last mayoralty campaign in Baltimore offered a choice between two excellent men, one who had served with credit as mayor, the other with equal credit as councilman. The nomination of Mayor Timanus by the Republicans was declared by so independent a paper as the *Baltimore News* to be creditable to the good sense and right feeling of the voters of the Republican party. The fact that he had given but scant recognition to the workers of his party was an obstacle to his success that perhaps in any other city than Baltimore would have been insuperable. The fact that a Republican could make such a record and get the endorsement of his party in a primary is a gratifying evidence of the acceptance by the voters of higher standards in city government.

"The good feeling toward the present mayor is not confined to the members of his own party. There is a widespread and generous recognition of the debt that Baltimore owes him for services rendered under peculiar and trying circumstances. If, when he had succeeded to Mayor McLane's place, he had, in the perilous conditions following the fire, yielded to the baser considerations of spoils-mongering and had Republicanized the City Hall, he would have inflicted upon Baltimore, as well as upon his own



party, irreparable damage. He did the opposite thing, with the result that not only his party has sustained him, but that he has commended himself to the right-thinking of all shades of political opinion." Notwithstanding this high opinion of Mayor Timanus, the *News* did not support him, nor did the plurality of the voters. They chose rather Mr. Mahool, whose record in the actual transaction of public affairs had commended him still more strongly to the intelligent and discriminating voter. He was not a "business man," put up to feel the people, but was a tried-and-true public servant who had actually gone through the trials of experience in the City Hall and proved himself efficient and faithful. He was not a new man going into office with immature theories or with the easy confidence that comes from lack of knowledge of the difficulties. He was a "seasoned" public man, who understood the trials and the temptations through which any official must go, and to which he must prove superior if he would gain a success worth having.

The Supreme Court of Kentucky last summer handed down a decision of far-reaching importance and significance. By virtue of it sixty-two officials of Louisville, from the mayor down, including judges, city clerks, auditors, treasurer, tax-receiver, as well as a long list of county officials, were ousted from office. The opinion, which was a tremendous indictment of the Louisville machine, and said to be one of the most searching arraignments ever scored in the judicial decisions of the country, reversed the decision of the lower court in the contested election cases growing out of the November, 1905, election by virtue of which Mayor

**Louisville** Paul C. Barth and the other county and city officials in Louisville held office. It declared that the election was null and void, because of the proved fraud, crime, conspiracy and force, in which the Democratic campaign committee in Louisville, the police force, the various city and county officials, hired thugs and thieves were held to be participants.

**Its Degradation** The election frauds in Louisville have for years been notorious. Following the November election of 1903 charges were freely made and quite generally believed by independent citizens that

wholesale frauds had been committed in many of the election precincts of the city; that in some places the ballots were stolen and no election held; that in others the polling places had been secretly and illegally removed and the voters of these precincts deprived of the right to vote; while in still others such acts of violence had been committed that the voters were driven from the polls and were prevented from taking part in the election. Following this election many criminal prosecutions were set on foot, but none of them resulted in the punishment of those charged with violating the law. To correct these evils the City Club, a non-partisan organization, was formed, which early in the fall of 1905 notified the people of Louisville as to the debauchery of the ballot in 1903 and called upon all good citizens, regardless of politics, to join in a movement to secure a fair election. The campaign which followed was remarkable for the bitterness and intensity of feeling, which was aroused by the charges and counter charges of fraud and corruption.

The trouble began at the registration, the fusion or independent candidates charging that a great number of repeaters had been brought into the city for the purpose of being registered. The election which followed was, according to the opinion of the Supreme Court, corruptly and illegally held. All the charges which followed the election of 1903 were renewed and proved to be true, notwithstanding that the local judges had held otherwise. In three districts the ballots were delivered to the Democratic clerk for the precinct, who failed to produce them on the morning of election. As a consequence seven hundred and forty-four were disfranchised. In four other divisions the ballots were lost or stolen. In certain other districts where the polling places had been surreptitiously charged, the stub books disclosed the startling fact that the registered voters voted alphabetically, beginning with those whose names commenced with the letter A and voting in regular order down to Z, or vice versa, all of the A's being voted before any B's were permitted to vote, all of the B's before any C's, etc. This sort of voting took place in nine precincts, the election therein being conducted by the Democrats and such assistants as they selected, the regular Republican officers being denied the right to participate.

**Its Delivery  
from Fraud**

Although the Court has ousted sixty-two officials, curiously enough it did not, strange as it may seem, seat the contestants. The judgments of the ousters did not go into force for thirty days from the date of the decision and the Governor of the State, a Democrat, was authorized to make appointments to fill the vacancies. There was a difference of opinion among Louisville lawyers as to the right of the Supreme Court to take such a step, the feeling being that the candidates who were defeated by such outrageous methods should be given the places, but the friends of honest election were so happy over the great victory that they did not contest this point. The Governor, in pursuance of the power given him, appointed a mayor, the judges, a sheriff, boards of council and aldermen. These appointees were all Democrats, as were the ousted officials, but they gave to the city an acceptable municipal government. The police and firemen were taken out of politics and the chief of police and several officers were discharged on account of their connection with the contested election.

The sheriff and the judges administered the affairs committed to them most admirably, and it was hoped that the Democratic party would see its way clear to renominate these gentlemen for reelection at the last election. Instead of doing so, however, the primary was so arranged that the present officials could not go into the primary with any show of fair treatment, and they declined to do so. The result was that the Democratic ticket represented the same element that was formerly in control, against which the City Club and independent Democrats and Republicans had been working to bring about better conditions municipally.

The Republican party nominated a good ticket with Mr. Grinstead at the head, and it prevailed by decisive majorities. It is pledged to continue the policy mapped out by the appointees of the Governor. The City Club, at a mass meeting, endorsed the Republican ticket, and used its influence to have it elected.

The government of the city of Memphis, Tennessee, was likewise vitally affected by a Supreme Court decision. The recent Legislature of the State had "ripped" out of office the mayor and existing government and had given the governor a chance to

place his own set of men in power. The city had a dual set of officials, but the Supreme Court decided in favor of Mayor Malone, declaring that it was evident from the record that the introduction of the laws was for political purposes solely and without any special consideration for the welfare or needs of the municipality. Its passage, as well as the evident cause for its introduction, was plainly a piece of "jobbery."

Tom Johnson's fourth consecutive election as mayor of Cleveland is, without doubt, not only one of the chief events of the year, but of many years, as it clearly indicates how completely emancipated the voters of that city are from the trammels and allurements of national party names and claims in city elections. His opponent was one of the most distinguished and useful men not only of that city, but of the United States. Theodore E. Burton is a high type of the thoughtful, able, conscientious public servant. He was defeated, however, in a community composed largely of men sharing his national principles, because it was believed by the majority that Johnson's views and experience as a municipal administrator gave larger promise for the welfare of the city. They appreciated the fact that under the circumstances of his nomination and his previous absorption in rate affairs that Mr. Burton would be handicapped in the fulfilment of his ideals, high and public-spirited though they were.

It was no small tribute to the political independence of the city that it laid aside personal and political preferences and chose a man on his tried and proved merits. Another encouraging feature of the campaign was the disregarding of the national phases of Mr. Burton's candidacy, naturally and of necessity injected into the contest.

Mr. Johnson's platform declared that "no injection of national personalities or issues and no appeal to mere partisan politics should be permitted to obscure the vast improvement in every department of the city's life in these seven years," and it pointed out that "the 150 miles of pavement, 170 miles of sewers, the extension and popularization of public parks, the improvement



of navigation facilities in the river, the establishment of the grouping plan for public buildings and the progress made toward its realization, the establishment of the public playgrounds and public baths, the acquisition of the municipally owned and operated garbage disposal, refuse collection, electric light, vapor lighting and street cleaning systems, the elimination of dangerous grade crossings, the establishment of milk and meat inspection, the building of the farm colony, and the establishment of the Cleveland boys' farm have been carried out with efficiency and without regard to partisan considerations, and with such economy that hostile critics, equipped with the reports of the State Bureau of Accounting, and after repeated investigations by privately employed expert accountants, have been unable to point to an extravagant item, or even an injudicious expenditure."

Pledging the candidates to continue this program, the platform took up general municipal issues in which other cities have a common interest with Cleveland. On this line it reads: "For seven years this city has been the battleground of the greatest and most successful war against privilege in the history of American municipalities."

These, although partisan claims, seem to be borne out in the main by the impartial, non-partisan report of the Municipal Association, which is intended to offer to voters "such information as it has been able to gather about candidates, their character and efficiency, if they have a public record; their supposed ability and training if they have no public record." The Association's report on Johnson was:

**The Municipal  
Association's  
Judgment**

"Tom L. Johnson—for six years mayor of the city—in every undertaking with which he has been connected has shown himself to be a man of unusual executive ability. Since his first election he has further plans, many of them either entered upon by his predecessors or suggested by the men whom he has gathered about him to meet the needs of a growing and progressive city.

"The streets have become cleaner, better lighted, more rapidly paved and sewerred, than ever before; the abolition of grade crossings has been substantially advanced; the health and building de-



partments have been made more efficient; improvements have also been made which better the conditions of life among the poor by the opening of public playgrounds; the popularization of the parks, and the establishment of public baths.

"He has applied the merit system in the police and fire departments honestly, and has caused the water-works department to be placed on a substantial, though voluntary, merit-system basis.

"Mr. Johnson should be criticised because of his indifference to an impartial enforcement of the laws, which order that the saloons shall remain closed on Sunday.

"He should also be severely criticised for not using his influence to eradicate the Sunday dance-hall evil, which has been a menace to the moral welfare of hundreds of the youth, of both sexes, in the community. This failure to act effectively has been in the face of the appeals of sundry organizations, like that of the Catholic Federation of Cleveland and the chief probation officer of the juvenile court.

"The current expenses of the city have increased with disquieting rapidity. The result has been a widespread feeling that the city's finances have not been soundly and conservatively managed. This feeling partly accounts for the failure of the voters to consent to further bond issues. The actual rate of increase in current outlay has been greater than the rate of the increases of population and the rate of increase of the city's area combined.

"Mr. Johnson has pushed the organization of his party control to questionable limits, of which one ominous result is, that the city council, intended by law to be a council, has become simply a means for registering his decisions."

Toledo again demonstrated its independence on November 5th when it reelected Mayor Brand Whitlock on an independent ticket and gave him a sympathetic council. The fact that what ten years ago would have attracted well-nigh national fame is now related in a few lines of a press dispatch, clearly indicates not only the progress that Toledo has made, but what has been accomplished in the country at large.

Cincinnati has had a not unusual experience. Two years ago its electors revolted and chose men who failed to read the signs

of the times and to take a sound view of the situation. They utilized the opportunity to build up their own machine. The result was what might have been forecasted. The new machine was unable to weather the storm. The old one came back. That is the whole story except that the spark of independence has been kept alive by a devoted band, through whose work eventually the city will be redeemed and regenerated.

In Indiana, the last Legislature attempted to repeal the Metropolitan Police Law, which for many years has vested in the governor of the State the appointment of police boards in all cities except three or four of the largest, but was defeated by the governor's veto.

#### **Indiana**

A law to restore certain smaller cities to the older form of government by a city council, after two years' experiment with the mayor plan, was also defeated. There was a violent difference of opinion between the cities affected by this measure. Progressive communities, particularly if they had good officials, opposed the repealing measure as a retrograde step. Backward cities, particularly with bad officials, denounced the mayor plan without stint.

On the whole, the year has not been a remarkable one in Indiana, although in the larger cities there has been an increase of civic consciousness and greater interest in the election of good men, the exposure of fraud and the impeachment and punishment of wrong-doing officials.

The situation in Chicago continues to be mixed. Progressive and public-spirited men have been hopelessly divided over nearly every issue that has been presented for decision.

#### **Chicago**

The street railway settlement, the new charter and the mayoralty presented complicated phases, which made it difficult for the student abroad and the voter at home to reach a positive conclusion one way or another. Here is how one thoughtful observer described his own position and analyzed the situation: "In the recent mayoralty election I myself voted for Busse and the ordinances. The mayoralty situation was not an attractive one to independent voters, as neither Busse nor Dunne was satisfactory. Before election there was a strong demand for an independent candidate and a great many persons

wanted Walter Fisher. He did not think it wise for him to step into the breach at this time. The indication since the election is that Mr. Busse intends to try at least to give the city a pretty good administration.

"The feature of the election was a referendum on the traction ordinances. The outcome is a great victory for Mr. Fisher, who was chiefly instrumental in formulating that plan of settlement. Had Mayor Dunne stood by Fisher and the ordinances, instead of repudiating the ordinances when the Hearst papers turned against them, he undoubtedly would have been mayor for another term. The outcome, as interpreted by the extremists in both camps, is a signal defeat for municipal ownership. I do not so regard it myself. I think that the municipal ownership movement has received something of a set-back in Chicago from the weakness, vacillation and general administrative inefficiency of Mayor Dunne. But so far as the ordinances are concerned, it seems to me that they leave the way open for municipal ownership whenever the people seem ready to embark upon that policy. A great many believers in municipal ownership voted for the ordinances on that theory."

Here, however, is the way another Chicagoan, equally public-spirited, observant and thoughtful, puts the case: "In Chicago we have been experiencing a distinct reaction at the polls and in the public mind respecting the general subject of municipal reform and the movement toward the extension of municipal trading. After having had repeated referendum votes, participated in by a very considerable portion of the electorate, demanding by pronounced majorities that the street-car companies should be dislodged and the lines taken over by the city, new franchises were, nevertheless, adopted by the council, and finally approved by the electorate by a considerable majority.

**The Mayoralty  
Fight**

"This was undoubtedly due not to a real shift of public sentiment as to the desirability of municipalization, but to the fact that our constitution and laws had been framed with a view of making municipalization difficult or impossible; to the fact that the people had, therefore, no alternative except to make some arrangement with the private companies, and to the fact that the

latter were in a position to insist that such an arrangement should even have novel elements of permanency about it. The effect of this method of "settling" the traction question has had, I think, a distinctly depressing influence upon the public mind respecting civic progress in general. On the other hand, it will undoubtedly serve to teach the radical element that the movement for municipal ownership must have better associations, more intelligence and abler leaders than it has enjoyed here.

"One of the facts borne in upon many thoughtful minds during the last year is the invariable partisanship of the press in respect to any big controversial question. The papers here which have been cited and quoted in the past for their independent attitude, have been scarcely less open to criticism for garbling or deliberately suppressing the news respecting important public questions than have been the so-called "yellow" sheets. The situation thus presented is undoubtedly one of real seriousness."

As has been usual for a number of years past, the Voters' League's recommendations were quite generally followed. There

**The Municipal  
Voters' League**

were 36 aldermen to be elected. Of those that were successful 18 were endorsed by the League, 13 were opposed—in some cases bitterly and in some mildly—and in 5 cases no preference was expressed by the League. Speaking generally, the League just about broke even this year, as has been the usual experience in a bitterly contested mayoralty election. Two years ago, when Mayor Dunne was elected by a landslide, the League had fewer victories to its credit than in former years. Last year, however, when there was no mayoralty election, was one of the most successful in the history of the League. This year it had some serious losses, at least one conspicuous and unexpected victory, and some other gains of distinct importance which were not sensational in their nature.

The League struck a new note in an address it issued early in the year, in which it declared that "For the past ten years the people of Chicago have been vigorously fighting graft and grafters, big and little, with the result that conditions are tremendously improved. The grafters are no longer the chief menace to the public welfare. To-day it is the paralyzing hand of inefficiency that most hinders municipal progress. There are in the public

service too few men of first-rate ability; mediocrity, or worse, is the rule rather than the exception.

“Our municipal progress is not in keeping with our industrial advancement. The board of directors of that great corporation, the city of Chicago, should contain more men of the caliber of those who give this city preëminence in commerce and industry. The time is ripe for a movement that shall put Chicago in the forefront in all respects.

**Efficiency and  
Honesty  
Demanded**

“The tendency of the party organizations, when it is no longer safe for them to nominate objectionable candidates, is to name colorless ones of little force or ability. Thus the League in making its recommendations to voters is confined in too many instances to a choice among weak candidates. The situation in the coming campaign promises to be rather worse than usual. The present indications are that the primaries of both parties will be held late. The interest is expected to center largely in the contest over the nominations for mayor. This means—in the absence of very active work by public-spirited citizens—that the aldermanic nominating conventions will be subject to manipulation in the interest of unfit candidates, and that little opportunity will be afforded after the party selections have been made for putting independent nominees in the field.

“If the present efficiency of the city council is to be maintained, to say nothing of improvement, public-spirited citizens must have more to say about nominations. Progress requires organized movements in the various wards to insure the naming of a better grade of candidates, either by the party organizations or by independent petition, as may seem best in each particular case.”

There can be no gainsaying the force of this logic, and it is to be hoped that the League will persist in calling public attention to the situation until there will be a general popular response and a higher grade of administrative and legislative talent presented for the suffrages of the people.

The results of the election in Detroit in November, 1906, were generally satisfactory. The great issue was the D. U. R. (Detroit United Railway) franchise, which was defeated by a vote of 13,000 for and 28,000 against. Mayor Codd, who proposed the



franchise and defended it during his campaign, was carried down to defeat with it. The new mayor, William B. Thompson, is a Democrat with a good record in public office. The Republican candidate for prosecuting attorney was also defeated, a normal partisan majority of 10,000 or 12,000 being overcome in his case as in that of the mayoralty contest.

In Grand Rapids, at the same time, the charter amendment providing for non-partisan municipal elections was approved by a vote of 8,865 to 3,350. The proposition carried in every precinct. The people also voted on an ordinance supplementing the State law prohibiting Sunday amusements and providing adequate penalties for enforcing the law against Sunday theatres. After a very hot campaign the ordinance was lost, the vote being 6,281 to 6,895.

The theatre ordinance was submitted under the optional referendum and the non-partisan amendment was submitted under the advisory initiative but it failed of legislative approval and so remains ineffective.

Although from time to time manifesting a wholesome independence, Minneapolis is not yet thoroughly awakened to the problems of municipal government. The average citizen seems unable to get away from the old narrow, hide-bound and selfish ward point of view. So long as this is the condition, its municipal administration is likely to continue to be saddled with graft, maladministration and inefficiency.

Some beginning was made toward better regulation of the public-service companies this year, when a franchise ordinance was passed putting the General Electric Company under more stringent regulations and reducing materially its charges to the city and the public. The company was ready to accept the general conditions of the new ordinance but balked at the reduction in rates. The city council also passed an ordinance calling for cheaper street-car fares. The Street Railway Company promptly transferred the case into the Federal court, and there had all its claims allowed. The case has been appealed to the United States Supreme Court.

The Gas Company will be asking for a renewal of its fran-

chise, probably next year. An active civic worker writes concerning this, that "there is a keen disposition among some of the council to put in a 'lick' for the public here by requiring a fairer contract, lower charges for service and better regulation of the service. All in all, I think our community is getting a little more insight into these matters all the time and is ready to insist upon better terms for the public. The chief lack is that of intelligent leadership." Sentiment against the saloon, both as a drinking institution and as a moral, social and political evil, has been developing fast in Minneapolis, as in many another community. In line with this sentiment in Minneapolis ordinances have recently been adopted restricting the number of saloons in the city to four hundred and thirty-five, and, urged on by the council, the mayor has just issued an order requiring the posting of licenses in the saloons. Hitherto the brewers, who are owners of nine-tenths of the saloons in Minneapolis, have insisted upon the privilege of keeping these licenses in their office safes.

The notable work done by former Mayor D. P. Jones (who was defeated a year ago because of his attitude on this question) in the Sunday closing of the saloon and the more rigorous enforcement of the saloon regulations has become a settled policy of the city. Backed by public sentiment, the Jones policy remains in effect substantially unchanged, even under a wide-open chief executive personally hostile to the principle. This ground appears to be permanently won, and sentiment is growing stronger constantly for further advances against the saloon, and quite recently, much against his will, the mayor issued an order closing saloons at midnight. In other respects the moral tone of the city has been materially lower under the present executive.

In the recent municipal elections in Iowa party lines were very lightly drawn; in fact, local issues were the deciding factors in almost every case, if not all. While in many of the towns of the State the tickets are labeled Republican or Democrat, almost without exception local issues control, and a great many Democrats were elected in Republican cities and Republicans in Democratic cities.

### **Its Franchise Fights**

### **Mayor Jones and Sunday Closing**

### **Iowa**

Interest in municipal affairs has certainly increased in this State and there is a general improvement in municipal conditions. The uniform municipal accounting law that went into effect in July of last year has now been in force for over a year, and has already shown that it will result in great good to the cities and towns of the State.

Reference has already been made to the recrudescence of graft in St. Louis, and would seem to justify the comment of a long time if somewhat dubious observer of municipal affairs in that city

that there "has never been in the city of St. Louis any profound interest in municipal affairs.

Not more than two-thirds of the registered vote is actually cast even in times of what we regard as great excitement. What public sentiment there is seems to be made to order by enterprising agitators calling themselves west end or north end or east end business men's associations. The grasshopper on the tree still makes more noise than the herd of oxen grazing, and the papers will yield more room to the clamor of an innovator than to a sound discussion of political problems. The city recently voted, by an overwhelming majority, to give \$3,500,000 for the erection of a free railroad bridge across the Mississippi River, although the constitution of the State declares that a municipality shall not give anything of value to any railroad company; and the Supreme Court sustained the grant because it was made not to *any* railroad but to all. To-day the mayor is universally derided because, in a moment of just exasperation, he declared that he thought the railroads were quite competent to provide bridges of their own. We have had an active Civic League, which has done valuable work in projecting a system of parks, boulevards, civic centers, etc.; also a Terminal Commission, admirably well conducted, which has laid out a scheme for the adaptation of physical conditions to the future needs of transportation. I can perceive no signs of enthusiastic support of recommendations which ought to appeal to every thinking citizen, but on the contrary, I perceive a great deal of carping criticism. Our local government is still admirably conducted. We have nothing to complain of and much to admire. Our mayor deserves the highest praise for the fidelity with which he has discharged his trust."

It has remained for the Kansas City politicians and the Legislature of Missouri, with the formal executive approval of Governor Folk, to establish a precedent of the most doubtful character through the enactment of a law requiring civic leagues and similar organizations, in addition to filing full statements of their campaign contributions and disbursements (to which no one could take any reasonable exception), to publish the entire information upon which their recommendations to vote either for or against candidates might be based. The act was primarily aimed at the Kansas City Civic League, which for years past has exercised a wide and wholesome influence through its criticism of the records of public officials and through its investigation of the character and antecedents of candidates for public office.

If this effort is successful in putting such organizations out of business, or of seriously curtailing their usefulness, we may look for a general effort throughout the country in the same direction, because civic and voters' leagues are increasing in number and efficiency and are becoming more and more dangerous to the plans of designing politicians. Not that such a movement would in the long run be detrimental to the cause of higher public standards, for experience teaches that efforts to suppress publicity and public-spirited efforts, even when unwisely directed, fail of their end. The St. Joseph (Missouri) *Press* very aptly described the situation as it exists in that State when it declared that Missouri "now exacts more of the independent voters and of those who insist on decency in politics than it does of the parties who alternate in running things."

Why Governor Folk, who has generally so excellent a record, should sign a bill of this character is at present inexplicable, although his apologists maintain that he decided to sacrifice the Kansas City Civic League in order to secure the passage of some special measures that he advocated in the extra session of the Missouri Legislature, the advocates of the anti-civic-league bill having threatened all the bills of members who might oppose their bill, and it is understood that they carried their threats to the Governor. His making a law of a measure intended to curtail the usefulness of an organization the principal members of which,



regardless of party, are Folk men, is perhaps the price he has had to pay to insure the success of other and excellent legislative measures—at least this is the charitable view to take of it. The law has not injured the League. During the first sixty days after the bill was signed the business men of Kansas City contributed more money to its support than during any similar period.

In Butte, Montana, and in the other municipalities of that commonwealth there has been a decided awakening of the public conscience and of the sense of righteousness

**Butte** among the people, as well as a desire for betterment in municipal affairs. This has been manifested in the suppression of gambling in the State of Montana, which a year and a half ago, or more, was practically wide-open. In the matter of legislation, the system of initiative and referendum has been extended to municipal corporations. Although no use has yet been made of the powers granted, their mere existence is deemed very beneficial.

A new police system has been inaugurated throughout the State. Under it the mayor has full charge and control of the police, the members of which are appointed during good behavior. In the larger cities an examining and trial board is provided for. This board examines and also tries charges against members of the police force. The imposition of the penalty, however, is left to the mayor, the board merely determining the question of the guilt or innocence of the accused.

From Denver comes a note of dejection because, to use the language of Judge Lindsay, "the combined municipal corporations that control our politics, and are masked

**Denver** first behind one political party and then the other, as it suits their purposes to buy up the machines of either, have more firmly entrenched themselves in control of the powers of government, so that without serious difficulty they have been able to get valuable franchises and make contracts as valuable to themselves as they are seriously detrimental to the people. A series of specious articles published in two of the leading daily newspapers, undoubtedly controlled by these interests, have done much to blind the people to the outrageous robberies to which they have been subjected. This combination of



business interests controls the banks, and through them many large business houses in the city, furnishing a machine that is all powerful in accomplishing highway robberies of millions that the people are compelled to submit to."

The general trend in the city, according to the same authority, has been toward a reaction of public interest in municipal affairs—a sort of "what's the use" feeling. The general prosperity of the people is said in a large measure to be responsible for this, for so long as they are fairly prosperous they appear to be too busy to take notice of the appropriation of community rights, privileges and franchises.

A decision of the State Supreme Court concerning a former contract between the Denver Union Water Company and the city has resulted in taking from the city millions of dollars in excessive charges and rates, and also to give the city the right—of very doubtful value—under certain conditions, to appoint members of the city council, who shall meet with representatives of the Water Company to fix new rates. Through the political control of the four utility corporations these representatives are practically the appointees of the powers that represent the utility corporations, and the rates will, no doubt, be fixed according to the wishes of the company, and without any particular regard for the wishes of the people, or justice and a fair charge. The very brazenness of this effort, however, may have the effect of arousing the people from their lethargy.

Seattle, Washington, like many another community of its size and character, is not suffering from any very serious municipal ills. The troubles of such cities largely consist of public indifference and petty larceny and grafting which is apt to permeate public offices where public indifference exists. For example: It has just been discovered that the city's comptroller, who was defeated as a nominee for mayor, proves to be an embezzler of from five to ten thousand dollars.

The municipal election in Portland, Oregon, last spring gave to the referendum and the initiative a pretty thorough and, on the whole, a very satisfactory trial. The result was locally regarded as gratifying in that the voters took a deep interest in

the matter and canvassed the subject most thoroughly. Twenty-one separate questions were submitted. Loans for \$3,000,000 and \$1,000,000 for water-pipes and parks respectively, were approved, but the proposed moderate increases in the compensation of the city engineer, attorney, treasurer and judge, although now very small for so important a city, were defeated, as was the proposition to pay the councilmen at the rate of \$100 a month. The vote on these was almost unanimously "No." A gas franchise for 25 years to a new company was approved, although strongly opposed on the ground that it was "a wilful misuse of the initiative to compass selfish ends, and if adopted will go far to discredit the initiative in the eyes of all lovers of good government." It was considered an ill-advised movement by municipal students and the Citizens' Committee, but the voters in this respect seemed to proceed upon the theory that "if one old rat had a rat-hole into a man's cellar, a good way to combat it was to authorize another rat to dig another rat-hole." The liquor licenses, both retail and wholesale, were substantially increased. Of the 21 propositions submitted, the electors voted "yes" on 13 and "no" on 8. A Citizens' Committee, representing the business bodies, labor organizations and Taxpayers' League (of which body United States Senator Mulkey was a representative), carefully studied the questions and issued a pamphlet giving advice as to the merits of the several measures. Their suggestions were followed on 13 out of the 21 questions submitted. At the same election a determined effort to restore the Republican machine was defeated. Mr. Thomas C. Devlin, a very capable man, was nominated by the Republicans and strenuous efforts made to whip Republican voters back into line (as Portland is normally a Republican town, but Doctor Lane, the mayor, who ran as a Democrat and Independent, was re-elected by a plurality of 700 votes, although all the rest of the Republican ticket was elected, and so Portland maintained her reputation for independence. Mayor Lane has been vigilant in the public interests touching the grant of public franchises, and has led a growing sentiment in favor of restriction and of terms equitable to the city; he has also been active in compelling corporations and others who have been occu-

pying city streets or property dedicated to the city for street purposes to vacate the same or to purchase their title by money or equitable exchange of lands. In this connection it is interesting to note that the Southern Pacific Railroad, which runs trains through one of the busiest streets under a perpetual franchise granted more than thirty years ago, is arranging to enter the city by another route. While this would eventually have come about in any event, it has certainly been hastened by strong public pressure.

It is an important gain that the Civil Service Board has won general acceptance on the part of the public and of the city officials. The Board consists of two Republicans and one Democrat. The recent reappointment of one Republican by the present mayor, a Democrat, contributed to this. The greatest difficulty is found in obtaining men at the salaries now offered by the city. Until the present financial crisis, the city has been paying very much less than other employers for the same class of work.

San Francisco has been so conspicuously, even if most of the time unfortunately, in the public eye for the past four or five years that she needs little more than a passing reference in this part of the review. There has been a steady trend toward improved conditions all along the line. Her heroism in purging herself of graft and grafters has set a splendid example for the rest of the corruption-ridden cities to follow. Her public spirit in electing Mayor Taylor for a full term is still another splendid achievement.

The platform of the Good Government League, which was organized principally as a non-partisan association to secure Mayor Taylor's election, voiced the demands of the thoughtful and public-spirited people of the city. It declared, among other things, that

**The Good Government League Platform** "The demand of the people of San Francisco is that the government of the city be placed in the hands of honest and efficient men who do not stand for party politics, corrupt motives, personal ambitions or selfish interests, but who do stand for all the people. The moral demand of the people of San Francisco is that the work of cleansing the city of its stain of corruption proceed.

"The demand of the people of San Francisco is that business confidence shall be restored to their great city by the election of men who stand before the city and the world acknowledged to be free from self-seeking and whose motives are not open to doubt."

Los Angeles continues to add to its already long list of significant achievements. "Municipal Affairs," which is the title of the effective little monthly published by the Municipal League of Los Angeles, recently (June, 1907) congratulated the people of that city on the highly favorable prospect:

"Considering that the administration is only five months old—less than one-sixth of its term—it is too early to ask for material results. It is enough that the various officers should show by their conduct and utterances that they are the right stuff and should develop their plan of procedure. To expect more in so short a time would be unreasonable, and if much more than that had been undertaken it would argue unseemly haste.

"While the auditor, the attorney, Board of Public Works and other administrative officers have shown to the satisfaction of good citizens that they are of the right mettle and may be depended upon, the progress achieved by the city council—which is, after all, the mainspring of the entire municipal machinery—is perhaps the most striking and agreeable. Nowhere else does the contrast between the present efficient administration and the last mediocre aggregation show more conspicuously. While the present body contains one man who is almost invariably wrong, and two others who are frequently wrong, it contains, on the other hand, several men of undoubted courage and ability and progressiveness, whereby the net result of its action has been right at least nine times out of ten. Its mistakes have been few and far between, and those of a sort that were readily corrected. And on practically all the big substantial issues it has finally brought up on the right side."

The League achieved a signal victory last January that has very considerably strengthened it locally. The then expiring council, which was an impossible body made up of mediocre and questionable men, in its last week surrendered completely to the saloon element, and passed a bunch of ordinances which were for

the encouragement of "blind pigs" and intended to facilitate the scattering of saloons about the city. This was leading up to a program for increasing the existing limit on saloons from 200 to 300 and the widening of the boundaries of the saloon zone. On account of the existence of the referendum they had either to pass these ordinances under the thirty-day extension or suspend the rules, which they could do by a two-thirds vote, incorporating in the ordinances a statement to the effect that they were needed for the "immediate preservation of the public peace, health and safety," which preposterous statements they actually incorporated in the ordinances to insure their instantly going into effect. The League immediately brought an injunction suit against the city clerk and the mayor to prevent them from signing the ordinances and allowing them to go into effect. The court held, in a very strong and emphatic decision, that the League's contention was correct, that the emergency clause could not be applied at will by council without any showing of a real necessity, and that its application was a legitimate subject for judicial inquiry, the people being a recognized element in the city's legislative department and one which cannot be shelved by the utterance of a false statement on the part of the council.

This completes the roll-call of the cities, and it must be conceded that the showing is a fine one and justifies the conclusion that, on the whole, the trend in municipal affairs is toward improvement.

The control and management of public utilities has occupied, next to the question of graft and corruption, the largest share of public consideration during the year. Four **Public Utilities Investigation** events in this field have attracted national attention: The New York and Wisconsin Public Utilities Laws, the Chicago Street Railway settlement, and the report of the Public Ownership Commission of the National Civic Federation.

The latter sent its representatives, consisting of publicists, engineers, accountants and managers to visit the leading plants at home and abroad, expending close on to \$100,000 in a thorough investigation of the whole question. The result has been the formulation of a report, to which all, save one, of the members



agreed, containing a series of conclusions which closely parallel those announced in 1899-1901 by the Committee on the Municipal Program of the National Municipal League. As to the various collateral phases, the Commission seems, so far as the preliminary reports disclose, to have divided along the lines of the previous individual convictions of the members.

The Chicago Street Railway settlement has been variously regarded, as already pointed out in another connection, but the consensus of opinion seems to be that what was actually done was, in view of all the conflicting and complex conditions, the best possible solution. Moreover, the majority vote of the people, expressed on a referendum, must be accepted as representing their views and conclusions. Mayor Dunne, who had been elected two years previously on the issue of *immediate* municipal ownership, was not able to carry out what he promised. Instead, in the closing months of his administration, a settlement ordinance was passed over his veto, and ratified by a referendum vote on April 2d. It was due, however, to the activity of the Mayor and his adherents in getting up a very large petition that the people were afforded an opportunity of voting on the two ordinances, one running to each company, which are so dovetailed as to make one comprehensive plan of settlement. The existing properties of the companies have been valued by experts, and an agreed price of fifty million dollars was fixed. The companies are to put in such additional money as may be necessary to rehabilitate the plants, estimated at forty million dollars. The city is to have the right to take over the property for municipal operation at any time on six months' notice by paying the agreed present valuation of fifty million dollars, plus the money put in for rehabilitation, with an addition of ten per cent. for construction profit and five per cent. brokerage charge. The city also reserves the right to authorize another corporation to take over the property on specified conditions. Until the city does terminate the grant in one of these two ways, the companies are to remain in possession, give unified operation, and, practically universal transfers. They are to receive upon their recognized investment an annual return of five per cent. after

**Chicago Traction Settlement**

paying operating expenses, taxes, repairs, maintenance, renewals, and depreciations. Of the remaining earnings, fifty-five per cent. are to go to the city and forty-five to the companies. Provision is made for a board of supervising engineers to pass upon construction and management. This board must approve all contracts and may fix salaries. One of these engineers is to be selected by the city, one by the companies, and the third, Mr. Bion J. Arnold, is named in the ordinance. Mr. Arnold has been the city's expert adviser for several years past. Under the new arrangement he will also be the engineer in charge of construction, representing jointly the city and the companies. There are provisions for public accounting designed to enable the city to understand all the operations. The agreed valuation of fifty million dollars contains an item of nine million dollars for unexpired franchise rights. It is liberal to the companies also in that it allows them full value for some cable equipment that must be at once discarded. Five or six years ago the two systems, now valued at fifty million dollars, were represented by outstanding securities having both a par value and a market value in excess of one hundred million dollars.

The most significant feature about the street railway settlement and the charter campaign is that they were both fought out in the open. Public opinion was the controlling element in both. No move was made until the public was educated. When the public is educated it is not the extreme radicals, but the moderate progressives that carry the day. The radicals are triumphant only while they act as brakes to force discussion in advance of action. Public opinion is in many respects more powerful in Chicago to-day than in any other American community. Another interesting phase of the settlement was the fact that the council was sustained by the people on the referendum vote, in opposition to the mayor.

Nothing has occurred during the past year, or for many years, so likely to promote good government in New York City and State and to exert so wholesome an influence in many directions as the creation of the public service commissions. This was a triumph of constructive statesmanship on the part of Governor Hughes, so well calculated to meet the deep and widespread needs

**New York  
Public Service  
Commission**

of the times that the act is already being utilized as a model in other states. It provides for the complete regulation of practically every public-service utility in the State (excepting water-works and telephones, which are likely to be included in the near future) through two commissions of five members each. One has jurisdiction, generally speaking, over the metropolitan district of Greater New York and the other over the remainder of the State. The Commissioners are appointed for five years by the Governor of the State. That the commissioners may obtain full information concerning the matters placed under their charge, an immunity clause provides that no witness summoned by the Commission shall refuse to answer questions or produce papers on the ground that such questions or answers tend to incriminate him, and that the witness shall not be subjected to prosecution for anything disclosed in such answers or papers. In order that there may not be any unnecessary delay in any legal proceedings which the Commission may institute to enforce their orders, it is provided that such cases shall have precedence over all other civil cases in the courts.

In regard to the transportation companies of all kinds, the law contains clauses, analogous to the provisions of the Interstate Commerce Law, forbidding discrimination in rates or service, and requiring that rates be reasonable, that the service be safe, adequate, just and reasonable, that schedules of rates be published, and that no changes be made in the schedules without notice for a certain period. The law also requires that all corporations and persons coming within its purview shall file annual reports with the Commissions, the form of such reports to be prescribed by the Commission. The act authorized the Commissions to call for monthly reports according to prescribed forms. They are empowered, either upon the complaint of a person affected or upon their own volition, to determine proper rates and charges for the carriage of persons or property, including terminal switching and all other forms of charges connected with transportation, and to regulate, change and control the equipment, appliances, repairs, improvements, trackage, terminal facilities, motive power and schedules of all the steam and electric and street railways of the State.

#### **Regulation of Rates**

Each commission is given access and right to inspect all accounts, records and papers of all corporations and individuals affected, and these corporations and individuals are forbidden to keep any accounts in any shape or form other than those prescribed by the Commission. Corporations and individuals are forbidden to make any extensions into new territory or obtain any new franchises of any kind, or to sell or transfer or lease franchise rights, or to make any traffic arrangements, or to consolidate, or to purchase stock of similar corporations, or to issue any new stock or any bonds, notes or other indebtedness payable more than twelve months after issue, without the express consent and approval of the Commission; and the Commission is forbidden to authorize any capitalization of such intangible property as franchise rights, except to the extent that cash is actually paid for the franchise right to the state or municipality; nor can the Commission consent to the capitalization of that sort of good will which arises from consolidations or agreements to consolidate or from leases; and in the case of a consolidation, the capital stock of the consolidated company must not exceed the combined capital of the consolidated companies plus the actual cash paid for the new stock. In short, under this law every share of stock hereafter issued by a public utility corporation in New York State must represent either an existing share of stock or actual new tangible property.

The law provides for stringent penalties for the disobedience of the orders of the Commission, and authorizes the Commission to go into court to enjoin a violation of any of the provisions of the law. In the case of gas and electric companies, the right of regulation covers the quality and standard of the illuminant or power furnished, the rates charged, and the charge for meters, and covers plants owned by municipalities.

The Metropolitan Commission began its good work by investigating the affairs of the Interborough-Metropolitan street railway system. Besides various transactions which loved darkness rather than light the Commission brought to the knowledge of the public the astonishing number of accidents on the surface roads of the city, which heretofore have been a matter of conjecture. It transpired that during

#### **Accidents**



twenty-six days in August (when "every one was out of town") there were 5,500 such accidents. At this rate the figures for the year would reach the appalling total of 77,000.

As illustrating the sort of "high financiering" which the Commission has thoroughly exposed, I cite but a single instance, that of a now famous Wall Street and Cortlandt Street franchise. In 1902 Anthony N. Brady, a traction magnate, came into the possession of a franchise that had been granted to a company to build a street railway between the Wall Street and the Cortlandt Street Ferries in New York. Brady was the possessor of nothing but the piece of paper granting the franchise. No work had been done on the road. But that bit of paper was so valuable that Mr. Brady was paid \$250,000 for it. The purchaser was William C. Whitney, then in control of the New York street-car lines. For his piece of paper Mr. Brady received a check for \$965,507.19. After deducting his \$250,000, Brady was directed to divide the remainder as follows: \$111,652.78 to William C. Whitney, \$111,652.78 to Thomas F. Ryan, \$111,652.78

#### High

#### Financiering

to Thomas Dolan, \$111,652.78 to William L. Elkins, \$111,652.78 to P. A. B. Widener, and \$134,028.92 to Moore and Schley, brokers, all of whom were interested as stockholders and directors in the street railway system of New York City. In a few words, these trustees "milked" their fiduciaries of \$965,507 and called it "high financiering." The public use a shorter and an uglier word for the transaction.

The Wisconsin Legislature of 1907 also enacted a Public Utilities Law, which differs in many important respects from the New York law, but like it, is drastic and comprehensive. It gives to the State Railroad Commission the supervision of municipal public utilities, and provides for the issue of "indeterminate permits" under which utilities may hereafter operate in lieu of the present system of franchises. It also provides for a valuation of the property of municipal public-service concerns and gives the Commission the power to fix all rates, to classify the kinds of service, to determine the units of service, and the adequacy of supply, and in general to determine all questions relating to the control and supervision of both municipal and pri-



vate public-service plants, subject to review by the courts. The Railroad Commission is vested "with power and jurisdiction to supervise and regulate every public utility in this State and to do all things necessary and convenient in the exercise of such power and jurisdiction." To the Commission is given authority to fix rates and charges, change rates, prescribe uniform accounts to be kept by municipalities and companies alike, fix the unit of service (as the kilowatt-hour for electricity, thousand cubic feet for gas, etc.) and investigate complaints. The term "every public utility" which is repeatedly used in the act includes privately-owned and publicly-owned utilities which are placed on the same footing, in cities, towns and villages. Every public utility must render adequate service at a reasonable charge, of which the Commission determines the adequacy and the reasonableness, after a public hearing; it must furnish reports to the Commission and file a schedule of all rates and tolls charges in the State. Discrimination in rates is prohibited. The need for a proper allowance for depreciation is met by the provision authorizing the Commission "to ascertain and determine the proper and adequate rates of depreciation of the several classes of property of each public utility," and to "provide for such depreciation in fixing the rates, tolls and charges to be paid by the public." An important and far-reaching provision is that which says: "The Commission shall value all the property of every public utility actually used and useful for the convenience of the public." In

**Indeterminate  
Permits**

making up this valuation it may use any information in the hands of the State Board Assessors, and may hold public hearings, notifying the public utility involved. Another important provision is that all franchises hereafter granted shall be in effect "an indeterminate permit," under which a municipality may purchase the utility at any time, for a just compensation to be fixed by the Commission, and according to the terms and conditions fixed by the Commission. At the same time any corporation operating under an "indeterminate permit" is protected against competition by another company, no second franchise being permitted to be granted without a decision of the Com-

mission that public necessity requires a second public utility. It is protected in similar manner against municipal competition; the city may not construct a new plant, but must purchase one already existing, unless the Commission decides to the contrary. At the same time, it is specifically provided that where a plant is not operated under an indeterminate permit, the city may build its own plant. The effect of this is to cause all public-service corporations operating now, under an ordinary franchise, to surrender such franchise and receive instead the indeterminate permit, subject to the terms of this law.

The developments along franchise lines in Cleveland have been along somewhat different lines from the New York and Wisconsin experiments and represent a persistent effort under existing law to solve the transportation problem in the interests of the people rather than of the corporation. Certain franchises of track a few

**The Cleveland  
Settlement**

miles in length recently expired, and the city council voted to turn the franchises over to the rival company, locally known as the "Threefer," on condition that a straight three-cents fare be charged. It then developed that the laws of Ohio, as interpreted by the courts, appeared to give the entire determination not only of whether there should be a railway on a street, but what company should have it, to the majority of the property-owners of the street through which the line was to run. In other words, city council and the greater interests of the city must be entirely subordinated to a small group of property-owners. It further developed that a large portion of these property-owners were willing to sell their consents at so much a front foot, and the old company, with its large financial resources, secured a majority of the consents. The council, however, refused to change its position and the old company refused to sell out its tracks in the streets at their structural value. Instead, it tore them up, with the hope, apparently, that the people would be sufficiently distressed with the lack of street-car facilities to force agreement with the terms of the old company. The presence of parallel lines not far away, however, sufficiently modified the situation so that no surrender was made by the city government.

As the franchises upon a third of the two hundred miles of

track of the old company expire in February, great interest centered in the fall campaign, both for mayor and city council. Upon the one side is a company, the "Threefer," which must give, under its franchise, not only straight three-cents fares with universal transfers, but must at any time sell out to the city at a price which amounts to not over 15 per cent. in excess of its structural value, but must be subject to a city audit at any time and the city control of rates of fare. The management is in the hands of a salaried board of trustees; dividends are limited to 6 per cent., and stock-watering is prohibited, although the city could not buy without legislative permission.

On the other hand, the old company wanted a twenty-year franchise with no control or right of purchase till the end, and with vague provisions as to the terms of purchase even then. It offered seven tickets for a quarter with universal transfers and no extra charge in the suburbs, while the new company reserved the right to make an extra charge for long suburban rides, unless existing franchises in the suburbs prevented. Probably the offer of the new company was several thousand dollars better than that of the old company, but the right of public control and ownership at any time with respect to the new company was the chief point insisted on by the mayor. It is conceded on all hands that the \$23,400,000 of stock of the old company now (October, 1907) selling at about 50 in the market would rise to about 100 if the franchise desired by the "Concon" was secured.

The outcome of the election, resulting as it did in the triumphant reelection of Mayor Johnson, will unquestionably expedite a settlement of the situation largely along the lines he had laid down.<sup>4</sup>

In Detroit the defeat of the street railway franchise in November, 1906, was an important event. The United Railway offered ten tickets for a quarter during four hours of the day and six tickets for a quarter the balance of the time. The voters, however, rejected the offer by an overwhelming vote, insisting on a larger return and either three-cent fares or eight tickets for a

<sup>4</sup> Since preparing this report the old company (the Concon) has agreed to submit the whole matter to arbitration, and the present indications point to a complete victory for Mayor Johnson's plan.

quarter at the most. At a special election held last September various propositions for the extension of franchises on numerous streets were defeated by a vote of 3 to 1, indicating that the people would grant no favors to the traction company which did not carry with it a complete adjustment of the franchise question.

Over against the growing list of communities determining these local questions of franchises and public utilities from the standpoint of local welfare, we find a rapidly developing campaign against municipal ownership and operation carried on in the interest of, and very likely under the direction of, those who are most likely to be benefited by an opposite policy. As a part of

**Anti-Municipal  
Propaganda**

this campaign there has been carried on an active publicity bureau, which has not only given widespread notoriety to all cases of actual failure, but has not hesitated so to interpret the real facts as to create a contrary opinion.

The announcement that on July 1st, 1907, the Boston Consolidated Gas Company would voluntarily reduce the price of gas to 80 cents per 1,000, under the "sliding scale" act, is of more than usual and local significance. It is the fourth reduction since July 1st, 1905, when the price was \$1.00, and has been accompanied by equally satisfactory results. According to the figures given by Louis D. Brandeis, who has been an active personality in the Franchise League which was mainly responsible for the

**The Boston  
Sliding Scale**

act, the Massachusetts Gas Company (owning the Boston Consolidated Gas Company) is on a dividend basis, and its market price in two years has steadily risen from  $44\frac{1}{4}$  to  $57\frac{1}{4}$ , although most securities of that type have within the same period as steadily depreciated. These, however, are not the only gains resultant from this act. To quote Mr. Brandeis: "Gas properties which for the greater part of twenty years had been the subject of financial and political scandal and corruption, exciting the bitterest hostility on the part of the people, have been conducted in a manner so honorable as to deserve and to secure the highest commendation on all hands. The officers and employees of the company, instead of engaging in lobbying and other political activities, have devoted themselves strictly to the business of making and

distributing gas, and with such ability and good effect as to attain in an almost incredibly short time for the people cheap gas, and for the investors security and the prospect of large returns. These remarkable gains are the direct result of the wise, progressive and efficient management of President Richards and his associates, operating under the wise and progressive legislation promoted by the Public Exchange."

This Boston experience appears all the more satisfactory when contrasted with the situation in New York, where the final report of the Master in Chancery "clinches and fortifies" his preliminary finding that the New York Consolidated Gas Company cannot be compelled to furnish gas at the rate of 80 cents per 1,000 for private consumers and at 75 cents to the city. The report sustains the gas company's contentions in every particular. It filed fifteen amendments to his report, and only one of these was rejected in its entirety. Of the Attorney-General's forty-four amendments, but twelve were allowed. The Attorney-General contended that the company is entitled to returns on \$31,000,000, whereas the company claimed returns on \$101,586,959, while the Special Master allowed \$83,357,000, including \$20,000,000 for the franchise and good-will. In Philadelphia, now that the United Gas Improvement Company's lease has been confirmed for twenty years, an ordinance has been introduced fixing the maximum price of gas to the consumer from January 1, 1908, to December 31, 1927, which covers the period of twenty years, for the remainder of the lease. It provides that for the next ten years, ending January 1, 1918, the maximum charge for gas to consumers shall be 85 cents per 1,000 cubic feet; for the succeeding five years, to 1923, the price shall be 80 cents, and from then to the end of 1927 the price shall be 75 cents. These rates are the same as quoted in the lease to the city. If this ordinance is not passed the difference between these amounts and the dollar charged the consumers will be turned over to the city.

The question of the gas lease having been settled in Philadelphia for twenty years, by a brusque refusal on the part of councils to take advantage of possible competition by advertising for a better bid, Mayor Reyburn's administration settled another im-



portant question—that of the street railways, and this time it is hoped, at least by the street railway company, for a period of fifty years. It was effected through a new ordinance and a collateral profit-sharing contract between the city and the Rapid Transit Company, which is to supersede all previous agreements between the parties and all subsidiary companies. This involves, among other important safeguards to the city, the repeal and cancellation of the ordinance of July 7, 1857, reserving to the city the right to purchase at their original cost the railroads chartered by the city and which applied to the subsidiary or underlying companies upon which the present street railway monopoly is based. In return for these valuable concessions and the much desired settlement of all doubts for the term of two generations, the Rapid Transit Company is required to establish a sinking fund for the extinguishment at the end of fifty years of its present capital stock of \$30,000,000 and to call in all unpaid instalments on its stock. In lieu of car licenses, the paving of streets and all

**Philadelphia's  
Street Railway  
Settlement**

its present obligations the company is to pay the city in monthly instalments during the first ten years \$500,000 a year, during the second ten \$550,000, during the third \$600,000, the fourth \$650,000, and during the fifth decade \$700,000 a year. What is to be paid the city after fifty years is not determined, although at that period it is believed that the city has the right to purchase all the property and rights of the company, subject to all indebtedness, on any first day of July thereafter by serving six months' notice and on payment of an amount equal to par for its capital stock of \$30,000,000, plus any additional capital stock issued with the consent of the city. The rights of the city under this reservation are assignable and may be sold at public auction to the highest bidder. Certain franchises that the company cannot use are cancelled and certain others it wants to hold are extended. The city is given the right to choose two directors. It is needless to say that the company is delighted with the bargain. Director George H. Earle declared "A settlement has now been reached. In my mind any settlement was better than none, if the people and the company are to now jointly act together to develop the city. Neither of them can do it alone, for people will no longer

advance money to build railroads in hostile cities. If they do, however, honestly help each other, act in good faith to each other, and thus demonstrate that there is no fairer or safer place than Philadelphia to invest money, it will take but a few years to make people wonder how it was possible that good men opposed *Christian* adjustment to suicidal controversy." Mr. Earle has evidently overlooked the splendid bargain which Chicago was able to drive through maintaining an extended controversy. The people of that city would not settle until they settled it on terms satisfactory to themselves. How the opponents of the Philadelphia settlement feel may be gathered from the speech of Councilman Lewis (City Party member) who was the head and front of the fight against the ordinance. "The street-car rider will continue to contribute 41 per cent. of each fare paid to a fund for the payment of inordinate dividends on the stock of corporations whose tangible property long ago went to the junk pile, whose only asset is the right given to it by the people to use certain streets and which long ago ceased to have any part in the actual transportation of passengers for hire along the street railway lines of Philadelphia." Mr. Lewis urged that the city should deal directly with the subsidiary companies which owns the franchises, and are primarily liable to the city for the maintenance of a modern system of street-railway transportation; that the city avail itself of its undoubted legal right to order the wires of all companies placed underground within six months and to impose a license tax on the polls, conduits and other parts of the system of operation, and to provide for a gradual reduction of the enormous dividends and free transfers. None of these plans was followed. They apparently would have a better show of adoption if they had originated from the Rapid Transit Company.

There have been numerous other attempts to settle conflicting franchise rights, with varying results. Sometimes the people have won, sometimes the corporations, but the victories of the former are growing, as are the concessions of the latter, and it will not be long before the principle will be permanently established that the public's interests are paramount and must prevail.

There has been no diminution of interest in the movements for improved charters and for nomination reform. The public discussion of the Galveston and Des Moines plans of city government has been very general and has been instrumental in creating a most wholesome and helpful consideration of the whole question. The demand for direct primaries, while receiving a check here and there, is growing; and there is a steady progress toward a more general adoption of the principle.

The activity of municipal officials in the establishment of higher standards of municipal life and administration continues to develop in an encouraging way, and movements for the education of the people are multiplying with a rapidity that augurs well for the future of American cities.

# The Galveston Plan of City Government.

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The recent growth in popularity of the "commission" system of city government is no doubt the offspring of a more or less widespread dissatisfaction with the complexity of contemporary American municipal administration. Paradoxical as it may seem, however, this curious system which students of comparative politics know as the "American type" of city government, with its division of powers, its diffusion of responsibility, and its bewildering mechanism of checks and balances, has evolved logically from the crude framework of local government applied to the colonial boroughs by the British authorities. This simple system, consisting of a mayor and a small council, the former with no special executive functions, no veto power, and no right of making appointments to office, has been maintained by the English cities down to the present day; and to its very simplicity much of the efficiency which characterizes British municipal administration must, without doubt, be attributed.

After the American Revolution, however, and especially after the adoption of the federal Constitution, the system of municipal government as transplanted to this side of the Atlantic underwent a gradual but very important change; for the influence of the "federal analogy" dominated decisively the course of organic development in all the areas of local administration. A study of the civic charters granted at or about the beginning of the nineteenth century will, in almost every case, disclose the desire of municipalities to copy at every point the complex mechanism of the federal government. The mayor had come to be an independent executive officer, with a power

of veto over local legislation, with the right of appointment subject to confirmation, and with a variety of other administrative prerogatives which the lapse of a century has greatly augmented. The municipal council has likewise become bicameral, apparently for no good reason save that the demands of analogy had seemed so to dictate. In short, it seems to have been assumed that a framework of government devised to reconcile the jarring interests of a dozen independent states would bear reproduction in miniature, and would prove efficient in application to comparatively small urban units of a thoroughly homogeneous character. For three quarters of a century the cities of the United States have expended much political energy in attempting to patch an administrative garment which was not devised with an eye to their direct requirements. It may be doubted whether they have succeeded in doing more than to make the misfit

**Defects of the  
Present System**

more pronounced. They have been weighted down with an administrative organization which has sacrificed the highly essential qualities of efficiency and promptness in action to a blind adherence to the principle of "division of powers," heedless of the fact that the proper governance of a municipality makes no urgent demands whatever for any strict recognition of this principle. Steering wide of centralization of powers they have, however, floundered into the slough of a hopelessly divided jurisdiction with its unfortunate accompaniment of diffused responsibility.

A logical result of all this has been a reaction against the very cumbrousness of municipal machinery—a reaction which has

**The Reaction  
Against the  
Multiplication  
of Municipal  
Organs**

manifested itself in some cities by the abolition of bicameral councils and the substitution of single elective bodies. In other cases the dominant influence in civic administration has been transferred to the mayor, the local legislative authority being thus shorn of nearly all its jurisdiction. Even more frequently the delicate adjustment of powers has been ruthlessly disturbed by the direct intervention of state authorities and the assumption of purely municipal functions by state boards. This movement toward definiteness in the location of



responsibility has proceeded slowly, but none the less effectively, during the last quarter of a century, as may be readily seen by any one who chooses to study the history of municipal organization in cities like Boston or New York. The system of "government by commission" must, therefore, be regarded, not as a new experiment successfully conducted by a few scattered cities, but as the climax of a well-defined movement, from the influence of which hardly a single large city in the country has been entirely exempt.

Galveston, as is well known, was the first American city to give the system of "government by commission" a trial. The Texan city, having been called upon to pass through the dark waters of affliction, found itself, in 1900, face to face with practical bankruptcy. Under the old system of government by a mayor and sixteen aldermen the finances of the municipality had been badly mismanaged and the authorities had fallen into the disastrous practice of bonding the city to provide for annual deficits. In less than twenty years nearly three millions of debt had been accumulated in this way alone. The enormous new demands upon the civic treasury presented by the calamity in 1900 brought matters to such a crisis that the Texan Legislature found itself called upon by the business men of Galveston to

#### **The Galveston Experiment**

take heroic measures for dealing with the financial problem. The old municipal framework was abolished root and branch, and by a new charter, granted in 1901, the administration of the city was entrusted to five commissioners, three of whom were to be appointed by the governor and two elected by the citizens of Galveston. Before long, however, the constitutionality of the charter was called into question, and the Supreme Court of Texas decided that certain functions which the commissioners had been authorized to assume could not be exercised except by elective officers. In March, 1903, therefore, the Legislature was appealed to for an amendment to the charter making all the commissioners elective, and the five original commissioners were forthwith endorsed by the voters at the polls.

The Galveston charter, as amended in 1903, provides for the popular election, every two years, of five commissioners, one of

whom is given the title of mayor-president. All are elected at large. The mayor-president is presiding officer of the commission but otherwise has no special powers. By a majority vote of the five commissioners all municipal ordinances are passed, and all appropriations are voted, the mayor-president having no right to veto either absolute or qualified. The commissioners likewise, by majority vote, apportion among themselves the headships of the four main departments of civic administration, namely, finance and revenue, waterworks and sewerage, police and fire protection, and streets and public property; the mayor-president having no special department but exercising a general coordinating influence over all. A single commissioner is, therefore, immediately responsible for the administration of each department. The commission as a whole draws up and passes the annual budget, awards all contracts, and makes all important appointments. Minor appointments are made by the individual commissioners each in his own special department. There is throughout a complete centralization of all powers, legislative and administrative, and a very definite location of all responsibility.

No one who has made any impartial attempt to follow the work of the Galveston commission during the last six years will venture to gainsay its very striking success.

**The Results in  
Galveston**

The financial condition of the city has been most decidedly improved; all the municipal services have been brought to a much higher point of efficiency; a better grade of citizens has been found willing to seek and to accept civic office; and the general tone of municipal administration has been very noticeably raised. The commissioners present, in their reports, such a convincing array of facts that it would be idle to question the success of the new régime. This success has been attributable in general to three or four canons of policy, from which the commissioners have not swerved during the last five years, and which may be summed up as (1) the use of approved business methods in civic financing; (2) the entire elimination of all leakages in expenditures; (3) the making of all appointments on the basis of individual efficiency; and (4) the strict accountability of each commissioner for the on-goings of

his own department. All the improvements of the last half decade in the Texan city can be attributed, substantially, to the fact that the new system of government has rendered strict adherence to these fundamental rules of sound municipal administration possible and even imperative.

It is not necessary to speak in any detail of specific advances made in municipal administration by Galveston under the system of government by commission. It is enough that these were readily noted by neighboring Texan cities, and that the latter soon bestirred themselves to the task of inaugurating a similar framework of administration. Since 1903 charters fundamentally similar to that of Galveston have been sought and obtained by five other cities of Texas: Houston, Fort Worth, Austin, Dallas, and El Paso. The experience, moreover, was not lost upon many cities in the North, and during the last two or three years measures have been introduced into the legislatures of at least a dozen states all aiming to permit cities to simplify their framework of administration more or less generally in accord with the Texan plan. At its last session the Legislature of Iowa put such a measure upon the statute books, rendering optional to all cities of over 25,000 population the adoption of the commission system. This privilege has already found acceptance in the capital city of Des Moines; in this case provision being made for the employment of certain advanced methods of securing the strict and consistent responsibility of the authorities to their constituents.

**The Galveston  
Example in  
Other Texan  
Cities**

Despite a general impression that the commission system of local administration is a novelty in American government, the principle involved is by no means new in the United States. It is in almost no important respect different from the New England system of town government by a board of selectmen, who, with their chairman, assume and concentrate in themselves all administrative and legislative functions from one annual election until the next. There are many New England "towns" with populations quite large enough to entitle them to rank as cities, which have, for more than a century, maintained what is

**The System  
Not a New One  
in America**

to all intents and purposes a system of government by commission. Their selectmen, who are chosen by the people at large, represent in their jurisdiction a complete fusion of local power and responsibility. In every state of the Union, moreover (with the exception of Louisiana and Rhode Island), county administration has been vested almost wholly in the hands of an elective commission. The use of the term "commission" has misled many into overlooking a system with which they have been long familiar under a different designation. American cities have had occasion, no doubt, to become familiar with "commissions," but with commissions of a very different sort.

No aspect of the general problem of municipal reform has received more attention in the press and on the platform during the last year than the merits and defects of the commission plan. In the main, however, these discussions have dwelt largely upon the advantages of the system, many of which are almost too obvious to require emphasis. The defects,

**The Merits and  
Defects of the  
Commission  
Plan**

on the other hand, do not appear on the surface so plainly, though a closer examination will disclose that the system of government by commission, if generally applied to American cities under present conditions, would in all probability encounter important objections which no real friend of permanent municipal reform ought to treat lightly. Some of these relative merits and defects may be briefly noticed, so far as it may be accounted safe to generalize in the light of American municipal experience.

The cardinal advantage of the system is that it affords definite hope of putting an end to the intolerable decentralization of responsibility which now characterizes American civic administration. By concentrating powers and focusing public attention upon a narrow area it will render more effective the scrutiny which the voters may apply to the conduct of men in public office. If the system does not guarantee efficient administration, it at least promises to disclose where the blame for inefficiency should be made to fall. It will undoubtedly facilitate the election of a higher type of men, for American municipal experience has plainly demonstrated that small bodies

**The Important  
Advantage of  
Centralizing  
Responsibility**

with large powers attract a better class of citizens than large bodies with restricted jurisdiction. The reduction in numbers of the school boards of St. Louis, Boston, and other large cities have served to show the truth of this aphorism in conclusive fashion. Even though party organizations may continue to dictate the nomination of commissioners, as they now do that of councilmen, these organizations will no longer be placed under pressure to give representation to every sectional, racial, and religious interest at the cost of placing inferior men in candidacy. That government by commission will eliminate partisan candidatures is something scarcely to be hoped for; but there is good reason to believe that it would remove from party organizations much of the sinister pressure with which these have now to contend.

Again, it is well known that municipal corruption nowadays arises as frequently from the power of municipal authorities to thwart the meritorious plans of public-service corporations as from their power to forward reprehensible projects. If the present system of checks and balances puts a restriction upon the ill-considered granting away of privileges, it none the less puts a premium upon the withholding of rights which should, in the public interest, be granted without hesitation. It is extremely doubtful whether the chances of obtaining a municipal franchise at the present time in any large city are properly proportioned to the merits of an application therefor. A small commission would, indeed, simplify the task of dealing with civic franchises on a business basis, and, if there be any fear that the unchecked power of granting municipal franchises is a jurisdiction too momentous to be vested in the hands of a small body, provision may be made, as in the Des Moines charter, for having the acts of the commission in this sphere subject to ratification by the voters.

Still again, as we are frequently reminded, the work of administering the affairs of a city is in every essential respect akin to that of conducting the affairs of a private business corporation. Now, the salient characteristic of sound corporate management is the centralization of powers in the hands of a small board of directors. What, we are asked, would

**The Lessening of Civic Corruption**

**Approximates the Government of the City to that of a Business Corporation**



be thought of a business corporation which intrusted the management of its interests to a bicameral board, made up of classes of members selected in different ways, representing different interests, possessing separate jurisdictions, and designed to embody a system of checks and balances? Why should the affairs of a municipality demand an administrative machinery so much more complex than that of the largest private corporation? There is danger, however, of pressing this point too far, for it must be remembered that the analogy between the work of the municipal and that of the private corporation is by no means perfect. The city, for example, enjoys many legal privileges and immunities which an ordinary business corporation does not possess. It is not legally responsible for the torts of its police officers, of the employés of its fire department, or for those of several other classes of its agents; whereas the private corporation is directly liable to be heavily mulcted for the negligence or inefficiency of those whom it takes into its service. Furthermore, in determining matters of policy the authorities of a municipality must give weight to many considerations of social well-being which the management of a private corporation may afford to neglect. It must be admitted, too, that administration by a board of directors is not necessarily synonymous with integrity and efficiency. One need not go far afield to find instances in which directors have been deficient in their knowledge of affairs immediately in their care, or in which they have personally profited at the expense of those interests which they were chosen to guard. Nevertheless, it may be said with truth that there is plenty of room for the infusion of "business principles" into civic administration, and the analogy, if not pushed too far, has much force.

The system of government by commission will serve to render municipal administration more prompt and more effective in action. In a multitude of counselors there may be wisdom, but there is also, almost inevitably, friction, delay, and intrigue. A system of division of powers is almost certain to counterbalance what it gains in security against hasty and arbitrary action what it loses in inability to cope with problems

**The Commission  
is More Prompt  
and Effective in  
Action**

which demand prompt, united and uncompromising attention. In local administration promptness and efficiency are imperative; and it may be properly urged that, in order to secure these essential qualities, a municipality is justified in weakening its organs of deliberation and in assuming a reasonable amount of risk that concentrated power will be abused.

There are, no doubt, many incidental advantages which cities may reasonably hope to secure from the introduction of the commission system, and to these the experience of Galveston bears abundant testimony. Most of these, however, are relative to the existing conditions in particular cities, and may not, therefore, be dealt with in general terms.

To the casual student the defects of the commission system are, perhaps, not so apparent as the merits. They exist, nevertheless, and are of sufficient importance to demand careful and judicious consideration; for the cause of municipal reform may receive permanent injury through the open advocacy by its friends of any plan of administration which has not been adequately studied in the light of conditions which now exist or are likely to exist in American cities.

**The Defects of  
the Commission  
System**

The most common objection urged in the public press and by the rank and file of municipal politicians is that the plan is un-American and undemocratic; that it involves a radical departure from American traditions of local self-government and proposes a step in the direction of municipal dictatorships. This objection is as easy to raise as it is difficult to support. The present framework of municipal administration, with its division of powers, is not a whit more traditionally "American" than is the New England town system of government by a board of selectmen with no division of powers whatever. That the system of administration by a small body of men tends to remove control "away from the people" is an assertion which the whole history of local government in the United States absolutely refutes. Indeed, it has been proven time and again that a single elective officer may, in his official actions, more faithfully reflect public opinion than a large body of elected

**The Commission  
System Claimed  
to be un-Ameri-  
can and un-  
democratic**

representatives. Much of the latent and unreasoning prejudice against the new plan springs, no doubt, from the popular association of the "commission" with the idea of state interference in municipal matters.

The observant De Tocqueville once remarked that local government is to national what the elementary school is to the university; that each in its respective sphere performs the work of preparation. Political education, it has been observed, consists in the exercise not only of the right to choose but of the right to be chosen—in candidacy and in service—and under the present municipal régime such education is annually afforded to a large number of citizens. The plan of government by commission proposes greatly to reduce this number. It would cut down the list of elective officers to four or five, all other posts being filled by appointment presumably for long terms. This policy, it is objected, would tend to vest the work of civic administration permanently in the hands of a very few men, and might very well assist in the development, as in the German cities, of a professional city bureaucracy. The present multiplication of elective offices affords to a unique degree the opportunity for a large number of citizens to be brought into touch with local political affairs and to obtain such political education as this contact involves.

Again, objection is made that the system will serve to strengthen rather than to weaken the influence of the regular partisan organizations in civic affairs. The concentration of power and patronage in the hands of a few commissioners would, it is claimed, make it seem imperative to the party leaders that the commission should be controlled; and the party energies, now spread over a wider area, would thus be concentrated at a single point. It is quite true that whenever the power and the patronage of the mayor have been extended the result has not been to diminish the force of partisanship in mayoralty elections; on the contrary, party leaders have been impelled to make more energetic campaigns and to perfect their organizations in order that they might control an office which

**The Plan Proposes to Narrow the Educative Work of Local Government**

**The System will Tend to Increase the Influence of Party Organizations**

had become the more valuable to them. Furthermore, the election of four or five commissioners by the voters at large would, in all probability, result in selections from the ranks of a single party; the dominant party could in most cases elect its whole slate, and the minority party would in consequence be wholly unrepresented. There might, no doubt, be frequent exceptions to this, but it would be the more usual outcome. On the other hand, a large council, the members of which are elected by small districts, will almost certainly contain representatives of the weaker political party. Much of the hopes placed upon the new system arise from the proposal that commissioners shall be elected at large; but it must not be forgotten that the plan of election at large is not without its counterbalancing defects.

It has, perhaps, been characteristic of the American voter that he is prone to lay too much stress upon the form of government and too little upon its personnel. He is not always quick to see that the more efficient administration of European cities results not at all from their superior framework of local government, but from the higher calibre of men who seek and obtain municipal office. Without a change of personnel, the substitution of government by commission for the existing system would assuredly avail but little. Indeed, a corrupt or an inefficient commission with wide powers would be much more capable of injuring the best interests of a city than an equally corrupt or inefficient set of administrative organs with powers and patronage decentralized; for the very complexity and cumbrousness of the present system serves in some degree to place an obstacle in the way of any widespread or consistent wrongdoing. The real question is, therefore, whether a better class of men would be attracted to a small commission than to a large council. To this the lesson of experience seems to give an affirmative reply. But it is a matter of probability rather than a matter of certainty.

Sponsors of the commission plan have sometimes urged that its adoption would ensure administration by skilled experts, since appointments made by a small body would probably be dictated by reasons of merit and experience alone. It may be noted,

**A Change in  
Form of Govern-  
ment will Avail  
Little without  
a Change in  
Personnel**



however, that the vesting of the right of appointment in the hands of a small body, or even in the hands of a single officer, would not necessarily ensure this result. There was a time in

**The System**

**does not Assure**

**Administration**

**by Experts**

American cities when patronage was committed to the municipal council, and under this system partisan considerations almost exclusively influenced the making of appointments to office.

Municipal reformers insisted that this pernicious policy could be brought to an end only by transferring the appointing power to the mayor and by placing upon the mayor alone the full and entire responsibility. But during the decade or more since this transfer has been made it may well be doubted whether individual merit and capabilities have counted much more in determining appointments than they did in the days when the council possessed the patronage. Now it is proposed to vest the patronage once again with a body of men; but one may scarcely venture to hope that partisan considerations will lose much of their strength because of any such further transfer. Definite location of responsibility for civic appointments seems, as experience shows, to afford some assurance against gross inefficiency; it does not, apparently, afford a guarantee that the degree of efficiency will be very high.

An important feature of both the Galveston and Des Moines plans of city government by commission is that the "appropriating" and "spending" authorities are fused. In other branches of American government it has been the policy to keep these two jurisdictions distinct and independent; and this has been true alike of national, state and local administration. The legislative organs appropriate

**The Concentra-  
tion of Appro-  
priating and  
Expending  
Powers in the  
Same Hands**

the funds, the administrative organs supervise their expenditure. In the New England system of town government the board of selectmen does not appropriate moneys for any purpose; this function is reserved to the annual "town meeting." The concentration of both powers in the hands of a single small commission might, and probably would, serve the interests of integrity so long as men of the right caliber constituted the commission; but there are those who see in this fusion of jurisdictions a



potential element of danger. It involves, at any rate, a radical departure from a principle which has hitherto characterized not alone American government, but the governmental systems of the leading European states as well. In the successful administration of German cities, for example, this separation of the appropriating from the spending departments has always been strongly emphasized.

It is sometimes urged that the general adoption of the system of government by commission would encourage state intervention in municipal affairs. In every large city there come up, year by year, many important questions which demand broad legislative action. Now, whether their policy has been wise or unwise in this direction, it is an undoubted fact that state authorities have been extremely loath to entrust broad legislative functions to small boards whose jurisdiction is mainly administrative. The association of well-considered legislative action with large bodies is deeply imbedded in the American mind and will not be easily eradicated. If large municipal councils are eliminated from the framework of city government there would seem to be a danger that state legislatures would be tempted to assume for themselves some of the broader legislative functions which the councils have been accustomed to exercise. At any rate, we know from experience that where the legislative powers of municipal councils have been curtailed their former powers have usually been assumed by the state legislature and have not been transferred to some other organ of local government. That there has been, on the whole, too much state interference in municipal affairs most students of government are disposed to admit; this intervention has been on occasions salutary, but more often detrimental to the best interests of the cities concerned. It may properly be urged, therefore, that any step which promises to afford an incentive to greater inroads upon the principle of civic autonomy should not be taken hastily or without due consideration of its less immediate but none the less important consequences.

In weighing the respective merits and defects of the Galveston plan as these would probably work out were the system given general application, the burden of proof ought in fairness to be placed upon those who advocate the extension. A change in

any department of American government which involves a transformation so complete of the whole framework of organization

**Relative Merits  
and Defects of  
the Plan**

should not be readily adopted until it can be said to promise, with a reasonable degree of certainty, a very decisive improvement in civic administration. It must not be forgotten that the experiment of government by commission has as yet been adequately tried in Galveston alone, and that here the circumstances were distinctly unusual. A receivership may be the best means of getting a bankrupt business corporation upon its financial feet, but it does not follow that all sound and solvent concerns should forthwith permanently adopt this method of administering their affairs.

On the other hand, as the present system of civic administration is too complicated, and too cursed with the curse of divided responsibility to prove reasonably efficient, any step in the direction of simplification should be

**Conclusion**

welcomed by those who have the best interests of American cities at heart. Those who are prone to look askance at anything which involves concentration of power may be reminded that such is never dangerous when accompanied by an equal concentration of responsibility. Not a few American cities at the present time are, as every one knows, controlled by small coteries of men—party managers—who dominate the official organs. These men are dangerous because they concentrate power without responsibility. The system of government by commission, if it would not eliminate the "bosses," promises at any rate to compel them to work in the open.

Experiments with the Galveston plan in a number of cities differing in size and situated in different parts of the country, will serve to mark out more clearly the merits and defects of the system in action. Such experiments may be welcomed as paving the way for what may secure substantial improvement in civic administration; but no one who appreciates the difficulties of the problem will readily hope to find in this or in any other formal change a panacea for all municipal ills. The plan can be said to have established a *prima facie* case; and it well deserves a sympathetic trial on a sufficiently broad scale to enable it to be fairly judged.

## The Des Moines Plan.

By **SILAS B. ALLEN**, of Des Moines.

To discuss intelligently the Des Moines plan of city government it is necessary first to speak of the present political situation, the process of development of our municipal governments, and the present system under which the cities are operating.

He who is able to know the conditions as they really exist in the cities of the United States, and gather from the pages of erring history an inspiration to help remedy that condition, is to be congratulated; for we, as a nation, are confronted with a condition lying at the foundation of our national government that might well induce prudent and patriotic citizens to study ways and devise means to remedy.

Political conditions in our cities have always formed the foundation of our state and national politics, and that makes it easy to tolerate political situations elsewhere. There is where the individual has ideas inculcated that are ultimately woven into the fabric of our state and national governments which never rise higher than the ideals of the faction in control.

Patriotism is more than love for one's country. It is pride, respect, and regard for the mutual welfare of the citizens of our country. All this, however, may be lost or destroyed through loss of respect for the government itself. The inefficiency of our municipal system of government has not only permitted disrespect, but has encouraged it until the official forces who control our city affairs have lost all patriotism and pride for their country and have ceased to respect themselves or the government under which they live; and the citizens, despairing of the situation, are gradually withdrawing from political affairs and wholly abandoning them to the official forces and evil-designing politicians. If this condition shall continue unimpeded the American people will be

held responsible for the result that will inevitably follow; for certainly a worse condition of things politically could hardly exist and be tolerated in the presence of an intelligent and respectable people.

Corruption is no longer secretly conceived and put into execution, but is boldly proclaimed by those who participate in the debauching process. This condition has existed so long that it is expected, and the man who has the temerity to oppose it is characterized as one "too good for this world," "a reformer," "populist," "crank," "the outs that want in," etc., and other appropriate epithets that tend to belittle him before the eyes of the public. Chagrined, abashed and disgusted he withdraws from the race because of lack of support of the better class of people who tolerate his abuse, as well as the conditions by which they themselves are surrounded.

This condition is gradually drifting our country into a chaotic turmoil that will end ultimately in a reformation of our city governments, or in a general disrespect and utter failure of our system to conserve the patriotism and respect of the people.

Our city governments are framed in a way so that they not only make it easy for officials to do wrong after they are in power, but make it easy for political bosses and corruptionists to put them into office. It should be understood that no one claims that a form of municipal government can be devised that will overcome all of the evils that exist in a city; but a form of government ought to and can be devised that will make it easier to get good men into office, and compel them to do right after they have secured the favor of the people. This can be accomplished in the main by making it necessary for a majority of the people to elect in every instance; by keeping matters that have tempted the officers under the control of the people; and by throwing restraints about them.

In the light of precedents men pursue their way to other and better developments. It is apparent to those who trace the lines of history that the condition that now holds sway is the result of a process of drifting, stimulated by political bosses and the evil element; for success in their business, along the lines con-

**Open  
Corruption**

templated by them, depends upon their ability to control political affairs. Our citizens generally have given little heed to the moulding of our municipal government, for the character of their business has caused them to pay little or no attention to politics, except when forced to do so because of some flagrant violation of the public right or some oppression brought about by the abuses into which we have drifted.

**Development  
of Present  
Government**

Caucuses were originally instituted for the purpose of nominating men to take the lead as candidates for offices in the gift of the people. These caucuses were held by the different political parties for the purpose of choosing some representative individual so that they might concentrate their efforts for his election. At first, political parties were few, the population not so large, and the man chosen was a fair representative of his party. As the population increased, however, and the importance of the offices grew, it was only natural that the most popular party of the particular location should be sought after by the evil-designing politicians who try to control the nominee of the party. The more conservative and better class of people were compelled to reject the nominee forced on their party by this faction; thus disintegration ensued, paving the way for numerous parties, which made it impossible for any man elected to secure a majority vote or be a fair representative of the people.

As soon as it was made possible to nominate a large number of candidates for the same office it became apparent that dividing the opposition and concentrating their own forces made the minority party an easy victor. Independent candidates were brought forward to complicate the situation. This condition was accelerated by the evil-designing people who know no party except the one in ascendency, and that one only when it will serve their best interests. They vote and work with the sole idea of dominating the situation, for their business depends in a measure on their success in this connection. Disintegration makes an easy victory for them. Under this state of affairs it has been made practically impossible for a majority of the people to nominate and elect a man who represents them, for through a process of manipulation the majority

**Multiplication  
of Nominations**



of the people, whose ideas of government are higher than the standard that has been fixed through this process of drifting, have been unable to concentrate their efforts because of chaotic conditions that control the situation by way of dividing the opposition.

This abuse has been finally remedied by permitting the people to nominate their choice at the primary election, and by this provision the people must elect one of two persons for mayor and four out of eight nominees for councilmen, which makes it necessary that a majority elects in every instance. No longer can party spirit supplant the more important question of the fitness of the person for the position. The thing dominant is the character of the individual who is thrust into the foreground to stand upon his merits, and the local principles he represents, instead of relying on the inspiration of party spirit that is weighed down by party prejudices entrenched in the minds of the people beyond hope of removal. Local issues will become paramount to national; thus, by bringing the character of the individual and the principles he represents squarely before the people and concentrating the votes of the people on two candidates the people will elect their choice by a majority vote and secure a fair representative.

However terrible the condition may be that we have drifted into in nominating and electing the officers of our municipality, and whatever may be the evil results brought about by this condition, it amounts to much less in effect upon our welfare in municipal government than does the system of subdividing the executive and administrative affairs of the city among numerous people and boards. When cities were small, it was easy for the mayor to attend to the executive and administrative work, but as the cities increased in size the amount of work that confronted the chief executive officer far surpassed his comprehension, and he was rendered less efficient because his attention was divided between politics and the business affairs of the city.

By attempting to follow a precedent in the English form of government we lost sight of the fact that there was very little

#### **Voting for Two Candidates**

#### **Former Patch-work.**

other than executive and administrative affairs to be conducted in a city; and as the mayor was overburdened with work and the council had little to do, it was only natural that a part of the administrative affairs be turned into the hands of the council, which was never designed to execute the law. This was subsequently supplemented by the appointment of a Park Board of Commissioners, Water Commissioners, Library Commissioners, Board of Fire Commissioners, Board of Public Works, and other boards too numerous to mention, either elected or appointed to participate in the executive and administrative affairs of our modern cities. Thus, we have the Library Board controlling the executive and administrative affairs of the public library, the Commissioners of the Fire Department administering the affairs of that division, the Board of Health taking charge of sanitary affairs of the city, the Board of Public Works attending to the construction of buildings, sidewalks, streets, etc., and the other boards and commissioners each trying to do its part of the executive and administrative work without possibility of coöperation, while the aldermen are trying to make every ward a law unto itself and dictate the executive and administrative work in the wards they represent; and over all of the conglomerated mass, or heterogeneous executive force, the mayor presides in serenity, contemplates the situation without right to dictate its doing or undoing. He is wholly at the mercy of this vast force of executive officials, for their political support is essential to his success, and he is only pleased to note the fact that the law has made it impossible for him to interfere. This is the patch-work that has developed because of the exigencies of the situation. The people are averse to radical changes in government, and hence have permitted things to drift into this chaotic condition, and now they stand appalled over the situation, hoping that some one will arise who will again concentrate the executive powers and bring them into harmony.

**Municipal  
Work and  
Responsibility  
Concentrated**

The Des Moines plan has abolished wards, boards, and the aldermanic system. It has concentrated the executive, administrative, legislative and judicial work in one body of men. The executive and administrative affairs are the principal duties to be performed, the others are in-

cidental; and this body of councilmen, in whom all of this power is concentrated, represents the entire people and no particular division. They act collectively in counseling the welfare of the city, in executing its laws and administering its affairs in accordance with the best judgment of the majority of their number.

Thus at one stroke, the ward system is abolished, the possibility of each ward being a law unto itself is prevented, and the distribution of the city's funds among the respective wards to satisfy the aldermen and their constituency is made a thing of the past; the executive power has been concentrated, and the entire responsibility fixed in a definite body; harmony and co-operation are made necessary, and each member of the council is responsible for the condition of the whole city. They must so demean themselves that the citizens will be satisfied, both with the amount of money used by them and what they accomplish.

The citizens are made the judges of the efficiency of the officers under the Des Moines plan, for through the medium of the news-

**Citizens Judges  
of Efficiency**

papers they are to be furnished with the facts concerning the things done by this body of men. After the individual has secured the office he is constantly reminded that the people have reserved the right to recall him if he violates any of the duties entrusted to him. This will undoubtedly act as a restraint, but if he should be so bold as to defy the will of the people by attempting to pass an ordinance against their interests, or seeks to execute the law in a different way than he should, or if he seeks to establish rules of his own contrary to the law, a protest will stop the enactment of the ordinance instantaneously. His right to hold office, as well as the law or ordinance attempted to be enacted, will be submitted to the people who have the right to act as arbitrators of the whole matter, and may enact the ordinance or veto it, and remove the offender from office if they so desire.

The veto power, therefore, is retained by the citizens, and the recall is an impeachment process reserved by them. The initiative and referendum are akin to those provisions, further curtailing the powers of the officials. The people can take the initiative and cause to be submitted to the vote of the people any provision they desire adopted, and their determination of the question is

final. It will be observed that the Des Moines plan provides for officers to execute and administer the laws of the city, and enact such ordinances as are essential to its welfare, but the people reserve the right to accept or reject any of the propositions, thus preventing any arbitrary act of the council in defiance of the will of the people.

The Des Moines plan has not only brought its officers closer to the people, but it has removed inducements that heretofore have been great temptations to the officials of the city. Franchises are no longer inducements to support any particular party in his effort to secure the office, or a temptation for graft after he is in. The people have reserved the right to grant or refuse the franchise.

**Franchise and  
the Merit  
System**

The provision that all franchises be submitted to a vote of the people and secure a majority of their number in its favor before the transfer can become effective is of inestimable advantage. A public-utility corporation can buy aldermen; it might buy a mayor and it might even buy a commissioner; for whatever the character of his office or its name it does not change the man; but it cannot buy the people of the city. The people are not grafters. Officials do not bribe themselves; they are bribed by parties who need their services. They are encompassed about by temptations and influences that are placed there by eminently respectable gentlemen, ostensibly, who are constantly lurking in the background out of sight of the people, who do not know of the constant temptations flaunted in the faces of the officers by these gentlemen.

The clerical force and laboring class of people are safely sheltered by the merit system, and are entirely removed from politics. The merit of the employee is to be determined according to his ability to perform the duties assigned him. He does not have to become a good politician before he can become an employee of the city. They are protected, furthermore, by penalties provided in the Des Moines plan that may be invoked by any citizen that may cause the offender to lose his office.

The Des Moines plan of city government, therefore, facilitates securing good men to subserve the best interests of the people of the city, for a majority of the people determine who shall be



their representative in office in every instance. The sifting process in the primary election is unique, and let us hope that it will be efficient. The Des Moines plan has centered the work of the

city in a deliberative body of men, who confer on all propositions, and for convenience in administering the city's affairs the business is divided into departments of: first, department of public affairs; second, department of accounts and finances; third, department of public safety; fourth, department of public improvements; fifth, department of parks and public property.

The mayor is the head of the department of public affairs, and is required to supervise all departments and report all matters pertaining to the city's affairs to the council when in session. He has no veto power; this is reserved in the people. Each of the other councilmen are placed at the head of one of the departments. With the removal of the greater temptations, and with the restraints thrown about the officers to remind them of their obligations to the people and the other advantages discussed, we believe that a step has been made in advance of any municipal form of government heretofore devised.

The people must take the initiative in any remedial legislation, but let them beware lest the begrimed and benighted politicians and political bosses who have been accentuating the drift of our commonwealth into a maelstrom of political trouble do not identify themselves with these efforts, and in this way frustrate their object. The citizens' fight is two-fold: to devise a plan that will be a solution of the trouble, and put it into operation. Antagonistic forces will come among our number, ostensibly for the purpose of coöperating with us, but whose intentions will be to ruin. A meaner purpose could hardly be conceived, for who should be more condemned than he who has drawn his country into a maelstrom of trouble, and then tries to cripple the object of the men who are hazarding their time, money, and their very lives, maybe, to extricate their beloved country from the trouble into which it has been drawn, the remedy for which will never be brought to us by political bosses and obstructionists.

The citizen whose sole idea is to subserve the best interest of his country, and who is filled with patriotic pride and love for



our commonwealth, whose life has in no wise been besmirched with demagoguery and political intrigue, is the man who must be aroused to a recognition of our condition as a nation, and his love for his country will accentuate his activity, and he will devise means and procure the remedy to solve the problem.

**Majority** The officer should be elected by a majority  
**Vote Rule** vote of the people, and this cannot be done unless the nominations are centered in two candidates, which will necessarily eliminate party politics and facilitate getting good men.

The executive and administrative affairs should be centered in an executive body or in an individual, and that body or person should be given the right to increase the number of persons to an efficient force that will do the business of the city in a proper and efficient way.

The executive body should not have the power to give away franchises, purchase large public utilities, or construct large public buildings without first securing the sanction of the people by a majority vote.

All officers should be held close to the people in order to make them as representative as possible. Political influences of the officers over the appointees and employees should be removed as much as possible, and they should be made independent in their ideas, work, and voting for the public welfare. The merit system will remove the employés from the domineering influences of the elective officers, and the penalty fixed by the Code for encroachment on the rights of the individual in violation of the merit system will prevent the officers from marshalling the employés of the city to their assistance at the time of the election.

**Minority Candidates and Party Affiliations** Under the Des Moines plan the people nominate their candidates in the primary elections by choosing the two persons securing the highest number of votes to be candidates for the office, and in this way make it impossible for a multiplicity of candidates or the election of an officer by a minority vote. Party affiliations are eliminated, and by the majority vote of the people made necessary to elect will assure a representative of the people.

The executive, administrative, legislative and judicial affairs

are centered in one body of men called the council under the Des Moines plan, instead of a dozen different bodies or boards representing the different subdivisions of the city's affairs, as the Board of Park Commissioners, Board of Water Commissioners, Board of Fire Commissioners, Board of Public Works, Aldermen, Mayor, and other boards appointed as the necessity arises and political intrigue can find a plausible excuse to justify.

Temptations are removed by reserving the right to grant franchises and by compelling a submission to the  
**Temptations** vote of the people the purchase of any public-  
**Removed** utility corporation or the construction of large public improvements. The merit system removes all employees from complications in politics.

Restraints are thrown about the officers in the nature of the initiative, referendum and recall to induce them to act in conformity with the best interests of the people in general.

## The Newport Plan.

By REAR-ADMIRAL F. E. CHADWICK, U. S. N., Retired,  
Newport, Rhode Island.

No part of the heart-searching now going on among the American people is of better omen than that applied to questions of municipal organization. We have arrived at a point of character which enables us to see that all is not well with us or with our ways. This in itself is a most cheering fact, for it requires a certain elevation of character in a people to see and acknowledge faults. We are getting out of the crudity and provincialism which cannot bear criticism, which can only hear Fourth-of-July oratory, and which will not listen to comparison with the ways of others. This, I will repeat, is one of the most cheering signs of the situation.

No one country has all the virtues; while we have our fair share, we also have our share of shortcomings, particularly in our long suffering of abuses and in our patient good-humor with certain outrageous conditions which has become such a weakness as to be an injury to our national character. For toleration of abuses is the highway to slavery. We have come also to that sanity of mind which enables us to see that ability is not concentrated in an overpowering degree in this continent, and that Europe thinks and acts effectively as well as ourselves. We cannot, for instance, count Napoleon, Pasteur and Marconi as Americans, and we know that the inventor of the telephone was neither born nor reared in this country. Further, there is no use in a people now in its fourth century of existence, and well into its second as a great independent power, pleading longer a state of infancy. We are old enough to think of having as good roads, as well built towns and as well administered cities as any part of the Europe we were formerly accustomed to calling *effête*. The great European towns have not come down ready-made to their present

in-dwellers any more than our own. Budapest, Cologne, Berlin, Leipzig, Frankfurt, Paris, Glasgow, and even much of London, to name only a few, are practically the work of the last thirty to forty years.

**Foreign  
Municipal  
Government**

A hundred years ago the joint population of the two towns now called Budapest was but about 50,000; it is now well on to a million. Berlin had about 500,000 in 1860 and has now about 2,300,000. The London County council has an oversight of a population of well on to seven millions, or about twice as many as the then district of London comprised thirty years ago. And while the greater European cities have swollen with a rapidity in some cases surpassing any of our own, and in very many cases equalling the growth of ours, the changes have not been confined to the newer parts. Vast districts of London have been rebuilt. Thirty years ago it was, except in a few districts, a great, shabby, gloomy aggregation of houses, the chief impression of which was of grime and squalor. Brilliant avenues now run where formerly and but lately stood acres of unsightliness. Old streets have been built anew and scores of square miles of modern construction added, until the London of to-day is the most impressive and most grandiose city of the world. And this is the work of the last thirty to forty years. We all know that Paris, as we now see it, dates from the last Napoleon.

The nineteenth century city of America is thus really in competition with the city of like modernity in Europe; if we have failed to do as well in city design, architecture or administration the fault is not in our newness. In fact, we had in our country a hundred and more years ago in Washington a design for a city which has never been surpassed; and no municipality, though we have now more than a hundred towns of over 40,000 people, has had intelligence enough to copy it. We have never been able to rise above that most stupid of city forms, the purely rectangular system of streets, a system the most wasteful in transportation, the least convenient, the least decorative. Its inefficiency and waste of time and of motive power and wear of vehicles can be measured exactly, being in the relation of the hypotenuse and the other two sides of the right-angled triangle. It is certainly very odd that we should never have freed ourselves from this essen-

tially stupid checkerboard design, unrelieved by the simple device of diagonals which make Washington so convenient and beautiful.

All this failure is due, with so much else, to unintelligence in our city government. Why have we failed where Europe has, in so much greater a degree, succeeded. In my

**American  
Failure**

view, the main cause has been in placing city administration, business of the greatest technicality and difficulty, in the hands of short-term and accidental men. Associated with this un wisdom has been the equally unwise course of adopting, for cities, our state and federal forms of a president and a lower and an upper house, but putting aside their great and distinguishing characteristic not only in state and federal usage, but in town meetings as well, viz., the separation of the appropriating and spending powers. Our city councils as a rule combine these, thus traversing a principle which it took centuries of struggle to establish, and which to-day rules in every civilized government. Our city procedure in this is of a sort to make one doubt the existence of such a thing as logic in the mental make-up of our people. The whole evolution of government has been toward the separation mentioned. It would seem that nothing is more fully established as a great fundamental principle than that the same men cannot with safety be allowed to lay the taxes, make the appropriations and spend the money. Our city charters, in running directly in face of this principle, cause us to reap the necessary results of its violation.

Touching the question of permanency of office: it is equally extraordinary that a people of our undoubted business ability should have regarded, throughout our municipal

**Permanency  
of Office**

history, the administration of cities as a by-play for men most of whom are already overburdened with business cares. They were to do the work of administration in many cases for nothing, and where paid the compensation is so meager that it is a mere honorarium rather than a salary commensurate with the work done or expected to be done. The city of Boston, which expends \$40,000,000 a year, pays its chief executive \$10,000; its city engineer \$6,000. Rochester, with an expenditure of nearly \$4,900,000, pays its mayor \$5,000, with its engineer \$4,500. Cincinnati expends nearly \$10,000,000, pays the



mayor \$6,000, and the chief city engineer the same. St. Louis, expending nearly \$18,000,000, pays the mayor \$5,000 and the city engineer and the street commissioner \$4,000 each. These are taken as representative salaries of the larger places.

Men must be paid either in honor or money, or somewhat in both, and in addition they must, if of position and character, feel that they are not temporary stop-gaps. As we well know, the honor connected with municipal office is unfortunately not reckoned now at a high figure. In many cases municipal office is allied with an impression of disreputability. When things become so rotten (the only word really applicable) as to suggest that the holding of public office is disreputable, it is time for a community to sit up and think with all the vigor of which it is capable.

The business of the modern city is too great to expect in this commercial country that good men will be found of such altruism as to devote, without adequate payment and security of tenure, their whole time to the public good. If we are to improve we must necessarily turn to business methods something like the British, German and other advanced European systems, which involve the desiderata I have mentioned, viz., honor and adequate emolument, as well as permanency.

There is no difficulty in getting honesty, zeal and fair ability in any walk of life in which there is a living wage combined with position made secure so long as the tenant is zealous and upright. I would instance the profession to which I have had the honor to be-

**Honesty and a  
Living Wage**

long for forty-six years. The monetary reward is, from the Wall Street or general business point of view, but slight. But every officer in the service knows, so long as he does his duty, that this wage is sure. He is not born more honest than other men, but he is reared in an atmosphere of honesty, which, though it has become a deep-rooted principle and sentiment of honor, is bolstered by the fact that every sentiment of self-interest demands that he shall be honest. The Federal Government gets excellent and honest service from its many thousand officials of the civil service for the same reasons, and you will have the same sentiment grow up among city administrators if given like conditions.

A vital point is thus to stop putting into city administration haphazard, ephemeral and untrained men. They must be trained and must be practically permanent. The German system usually makes the appointment one of twelve years, it always being understood that the appointment is renewable if satisfaction be given. The mayor or burgermeister is elected for his ability without regard to his habitat. He may, if he acquires a reputation, be called from place to place. He is, in fact, an employee. The British mayor is entirely different. He is not an administrator at all. He is merely ornamental, except that for his year of incumbency he is the presiding officer of the council; at the end of his year he resumes his seat in the council. I would also mention here that an alderman in England is merely one of the aldermen of the council, elected for six years from the council itself, but continuing the same general duties of a councilman; the councilors and aldermen, though divided into a number of superintending committees, sit as one body. The administration of the English town is practically in the hands of a body of permanent experts appointed by the council, much as in Germany. The council is supervisory, much as in the latter country.

When we consider the enormous and complicated business involved in the administration of a great city, the idea of putting into the offices of administration men of a day, with no experience of administration, with no idea of seeking office but for party purposes or for the moderate income attached, is not sanity. In fact, it is public insanity, and the sooner we pull out of such a custom the better for our reputation, for our character, for the safety of our institutions and for our pockets. Our great cities spend as much as many nationalities; their employees are reckoned by the thousand. New York's police force is about equal in number to nine regiments of 1,000 men each. The number of police in the fifteen largest cities is over 23,000; more by 7,000 than the whole of the United States army at the outbreak of the Civil War. Boston has upon its pay-rolls a total of about 12,000 men. The absurdity of entrusting such vast businesses to raw men needs no comment. The only thing one can say is, why do we do it? and doing it, is it not time to stop?

Ability and training are thus necessary as well as character. The first two are naturally the product of time; in other words, of experience. I would thus suggest the appointment or election, by whatever method should finally be thought best, of the mayor and an assistant mayor, and of all heads of administrative departments, for not less than ten years. Over these men should be a large council, large enough to be fairly representative. There is no reason why, so far as manageability is concerned, it should not be as large as the Congress of the United States, which after all is not larger than a fully attended town meeting of a town of 2,000 inhabitants. This council should have full control of all legislative business; no member of the council should have any administrative functions.

In our Newport system we have a body of 195, known as the representative council, elected for three years, in whose hands are all legislative powers, and a board consisting of a mayor and five aldermen elected for one year as executives. The representative council, broadly speaking, has the powers of a town meeting, and the board of aldermen, of which the mayor is a member and also presiding officer, the powers of selectmen. The number 195 was fixed upon as large enough to be fully representative of the people, not too large for effective control in meeting, and also as being the multiple of 13 and 39, the latter being the number elected for each ward, one-third renewable yearly. The representative council is elected by wards, only those voting who pay a property tax on not less than \$134, this being a proviso of the Rhode Island Constitution in reference to such bodies. The aldermen are nominated by wards but are elected by the city tax-paying vote. The mayor is voted for by the whole electorate. I would say that the Rhode Island rule disqualifies about 1,400 of the total 5,400 Newport electors for voting for the council or for any proposition to impose a tax or spend money.

The representative council has its first meeting on the first Monday in January, elects a chairman, a large number of city officers, does a large amount of other business, and adjourns to await a call to consider the budget. This is reported by a com-

mittee of twenty-five of the council, five from each ward, appointed by the chairman. The report of this committee must be printed and distributed to all tax-paying voters at least a week before the adjourned meeting called to consider it. I would say that this procedure is taken from that of Brookline, to one of whose citizens, Mr. Alfred D. Chandler, we also owe the suggestion of a large council with town-meeting powers. I would call special attention to this budget committee. It is large enough to be fully representative; its action is open and above-board; every tax-payer knows its findings before they are to be finally passed upon.

The referendum and initiative in money propositions are made easy; the council itself can be called together at any time upon the written request of twenty-five of its members, or upon the request of the board of aldermen; the meetings must be with open doors, and its records open to public inspection; it elects the city officials, fixes their salaries and defines their duties; it may, by a vote of two-thirds of all the members, remove an officer for misconduct or incapacity. Any tax-payer, man or woman, may appear before the council and address it, subject, of course, to necessary rules.

The mayor has power to suspend any city official and bring the case before the whole board of aldermen. If the board sustain the charges, the official is dismissed. The official has, however, ten days in which he may make appeal to the representative council, whose action is final.

From January 1, 1908, all the powers over the police shall be vested in the mayor, by and with the consent of the board of aldermen, subject to the direction of the representative council; from that date also three license commissioners shall be elected by the representative council, the term of office being three years, one being renewed yearly.

The board of aldermen form the several committees for the supervision of the administration of the city departments; it reports their condition, with recommendations, annually to the representative council, which report must be published; it also attends the meetings of the council and gives such information as may be required. The mayor and aldermen receive salaries fixed by



the council; the members of the council receive none. These are now, for the mayor \$1,200, the aldermen \$900. These officials may not be interested in any city contract, nor may any of them, stockholders in a corporation, vote upon a proposition or with reference to a contract between the city and such corporation.

The election, in order to separate it from party elections, is fixed for the first Monday in December; nomination papers are filed with the city clerk at least twelve days before this date; all candidates must give a written acceptance of candidacy; thirty signatures at least of tax-paying voters in the ward are necessary to nominate for the representative council, one hundred of the general electorate to nominate for the school committee, and two hundred and fifty of the general electorate to nominate for mayor. No one can sign the papers of more persons than he is allowed to vote for. Though the aldermen must be residents of the wards for which they stand, they are voted for by the whole of the tax-paying voters of the city. Nothing of political nature can appear upon the nomination paper or ballots.

It will be seen that the system developed in this charter is one of extreme simplicity. It unites all legislative power in a single body, and establishes a small committee to carry the authority of this body into effect; it brings back to the people in a very effective degree the authority which has been taken from them by political rings and combines; it separates the municipal from state and national elections; it separates the power authorizing the spending of money from the power which expends, thus vastly increasing the difficulty of a vicious combine. In the words of the "Explanatory Statement" which accompanied the act when brought before the Legislature, it "is absolutely open to the knowledge of all the people; gives the right to every one to speak upon any proposition; allows no opportunity to stifle any question; makes it easy for any one to bring forward any subjects for consideration; opens the budget to full inspection and discussion by the people before it is adopted; in a word, makes the public the master it should be in all questions affecting its civic welfare." Its one defect, so far as I can see, is in its short terms for the executives and technical staff.



I would desire to say, with all possible emphasis, that the Galveston system appears to me a step backward to the dark ages of government. Its general adoption would be a move to an entire disruption of our American polity. More and more does experience show the necessity of incessant oversight and criticism of boards. The whole country has rung with the subject for the two years past.

The Galveston system is not only the complete negation of the great principle of the separation of the appropriating and spending powers, but it is the removal from the people of the duties of citizenship, which every man should share to the fullest degree for which we can arrange. If these duties be ignored, if they be nullified, as in Galveston, what becomes of the only just and logical basis of our school system? No man has claim to ask that his children be educated by the state unless this education be regarded as a preparation for taking an interest in public affairs. And how can any sound-thinking community ignore the educational effect arising from the constant interest in civic affairs which can only come by actual taking part in such affairs?

If we are to preserve our governmental system it is impossible for us to ignore the educational effect on the people of an active and constant participation in their public affairs. This is the very life-blood of popular government. Never was it more necessary for us to hold firmly to this great principle. We are adding to our population a million foreigners a year, a vast majority of whom are a peasantry subordinate to leaders by long centuries of habit, wholly alien to the ideals of government which have come to us from our Teutonic forbears, and with no sense of responsibility for our public life. We are rapidly filling our great cities with men whose only idea of government is to be governed. It is a time when we should cling with all the force that is in us to our ancient principles. Des Moines does somewhat better than Galveston. She gives a broad referendum and initiative; but it is easy to see that the difficulty and expense of a frequent reference to the whole electorate of a large city will go far to nullify the plan. I think that it will not, in this respect, bear comparison with the Newport system. In one case the system is cumber-

some, difficult of full and reasonable discussion, and expensive; in the other there is primarily full discussion by a large, select body, which may end the matter, with no expense, or if it goes to the people, it does so with a full understanding on their part of all the arguments. It seems to me that there can be no question as to which system will give the sounder results.

The grave question we are facing in advocating such a system as that of Galveston is whether we are preparing to cut adrift from our ancient ways and return to personal government. For more than two hundred years the dominating idea in America has been the principles represented by the New England town meeting and which in essentials is the principle of the referendum in its fullest development. We failed, unhappily, to extend it to our state and federal systems as England has done in her appeal by the dissolution of Parliament. Any step away from this constant touch with the people is a step backward and toward evils from which society took hundreds of years to escape. Our greatest problem is to give the people full opportunity to express their will, of which now they have so little chance, and the want of which makes so often our state and national anything but truly representative. For there is no true ideal of government which does not include a reasonably quick response to the popular will.

No man can consider the possibilities involved in a general acceptance by towns of such a system as that of Galveston, which is practically a receivership, and which is clearly, to my mind, a step towards the despotizing of our institutions, without calling a halt to take thought. There is in the air a growing idea that a strong-man government is a desideratum. If the Galveston system is good for a great city, why is it not good for one of our states, some of which have less population by far than some of our great towns? Shall we have it in the states and not at Washington? Why not do away with legislatures and Congress and elect governors and a council and a president and a cabinet and let them have the law-making power, the taxing power, the appropriative power as well as the administrative power? There would certainly be no difference in principle from that at Galveston; why should there be any in the working?

**The New  
England Town  
Meeting**

I believe that in Newport we have taken the better way. Our representative council is our congress; our mayor and aldermen are our president and cabinet. They are analogues of that which obtains throughout our state systems, with the added benefit of closer touch with the whole people through our initiative and referendum. The system has eliminated politics, has worked admirably thus far, and bids fair to continue so. It is not in effect unlike Washington, whose commission works under Congress; nor unlike Toronto, which has an elective "board of control" of four men, who act as administrators under a board of eighteen aldermen. But in Newport we are greatly more in touch with the people, the vast majority of whom, everywhere in my belief, wish decent government; were it otherwise, the world would be in continuous retrograde.

I disagree with the distinguished president of one of our universities, whose idea apparently is merely, as he himself phrased it at Salem, "to get better men, really able men, true men of both capacity and character, to take in hand the conduct of city business on business principles." I believe in **Man, not Men** man, not in individual men. The latter may be well enough for great emergencies, but at bottom it is a question in the long run of reliance on the whole community. Our main need is a reasonable system which shall induce talent, reward ability and character, and give permanency of situation to men of such type. Such men will appear the instant we offer such a goal to them. They exist in Great Britain, they exist in a very marked degree in Germany, and if we offer anything like the same reasonable conditions they will exist here. Human nature is the same everywhere. We have simply been cultivating in our city government, by our ill-devised systems, the worse sides of this nature.

But joined with this better class of administrators, such as we know by the experience of other nations a wise treatment of the subject will produce, must be that representation of the people which shall keep the latter in touch with their affairs and afford that supervision without which all close boards will sooner or later go astray. For this is, again, human nature.

Why should we not take a leaf from the Japanese, who have

sought everywhere for the best and have adopted it wherever found? If Germany deals most successfully with this question, let us copy some of her methods. They do not differ from our own in general principle. They have a supervisory council, generally very large, a mayor and heads of departments as we have; the difference is merely in the handling of details, but this difference is vital. One is a method of common sense; the other a matter of petty politics entirely unworthy of us. We have no need to stray into unknown and untried fields when we have such admirable examples as Glasgow, Berlin and Dresden, which have been proved by decades of trial and are monuments of success. Acceptance of better methods of selection of administrators and adoption of permanence of office do not mean a whit more than our change from a spoils system in the federal civil service to one of merit and permanency; and until we do take this same step in our cities, until we select men for their competence and character and give them somewhat the same permanence, we shall be, in a large degree, beating the air.

# How Chicago Is Winning Good Government.

By **GEORGE C. SIKES,**

**Secretary Municipal Voters' League of Chicago.**

The title of my address was not of my own choosing but was selected for me by officers of the National Municipal League. In speaking to the subject I would not have it inferred that I think Chicago has already attained good government. I shall merely undertake to indicate the main lines in which that community is conducting the warfare in which all American cities are now engaged.

The key word to the Chicago method is democracy. Evidently Chicago believes in getting democratic government first and good government afterward, if the two cannot be secured simultaneously. It is in this respect that the Chicago method differs most radically from the New York or Boston method or the Galveston plan, for in these cities immediate good government appears to be the chief end sought. In the supposed interest of immediate good government, New York City has asked the state legislature to deprive its local governmental agencies, and especially its board of aldermen, of one power after another, until today the real governing authority for New York City is located at Albany. So markedly is this the case that Governor Hughes, apparently a theoretical believer in the principle of municipal home rule, felt compelled by the practical exigencies of the situation to create a state commission to exercise in New York City powers over public utility matters that are for the most part properly local in their nature. Boston's far-famed municipal subways were not constructed by local authorities but by a commission created by direct act of the legislature and appointed by the governor of the



state. The most important municipal activities of Boston and of the metropolitan area adjacent thereto, including the control of the police force, are directed by the commonwealth. The point of view of the framers of the celebrated Galveston plan was indicated from the fact that they provided in first instance for a commission to rule Galveston named in part by the governor of the state. Fortunately, to my way of thinking, adverse court rulings caused the modification of this plan so as to make all the commissioners locally elective.

State rule of cities as practiced in New York and Boston and as first attempted in Galveston is undemocratic. Therefore

**State Rule  
of Cities**

Chicago will have none of it. It is true, of course, as a matter of *law*, that the state is the source of all municipal government. But Chicago vehemently insists that the state shall, as a matter of moral right and sound government, confer upon the city all the legal authority necessary to enable it to govern itself in matters of municipal concern, and then leave the city to work out its own problems in its own way, free from outside interference or domination of any kind.

After devotion to the principle of municipal home rule, the next most important feature of the Chicago method, as compared

**The Council  
Scheme**

with other American cities, is the prominence of the council in the scheme of local government. The Chicago city council is in fact the real local legislative body and no mere figurehead as is the case with the board of aldermen in New York and Boston.

Another feature worthy of note is the tendency to make use of the referendum as an instrumentality for registering public opinion upon important questions.

Having indicated some of the distinctive features of the Chicago method, it may now be profitable to trace the development of those features in municipal history, the most significant aspects of which appear in the controversies over public utility questions and efforts to secure a home rule charter.

The first great contest over the principle of home rule was in connection with street railway matters and dates back to 1865. The street railway companies had secured from the Chicago city

council 25-year franchise grants. In 1865 these companies went to the state capital and induced the legislature to pass laws which it was claimed at the time would have the effect of extending from 25 years to 99 years the franchise rights of these companies in the streets of Chicago, without the consent of the local authorities. This action of the General Assembly of Illinois provoked tremendous opposition, which found expression in the constitution of 1870. That instrument sought to guarantee to cities home rule on the street car question by this provision: "No law shall be passed by the general assembly granting the right to construct and operate a street railroad within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad."

The framers of the constitution of 1870 also sought to check the evil of legislative interference with municipal government by forbidding special legislation for cities and requiring instead that all such legislation should be by general act. In practice there has been some evasion of this provision through the passage of laws legislating for cities on the basis of population.

The General Assembly of Illinois in 1872 passed a general law relating to the incorporation of cities which was to become effective in any city when adopted by referendum vote in that city. Chicago adopted the general incorporation act in 1875.

There was no further attempt at direct legislative interference with municipal home rule until 1897, when Mr. Charles T. Yerkes made use of the legislature to assist him in his efforts to secure 50-year renewals of street car franchises. Mr. Yerkes first sought to have the legislature itself grant him the desired franchise renewals. Failing in that, he did induce the legislature to pass an act, known as the Allen Law, authorizing the city council to make 50-year franchise grants (the statutory limitation before had been 20 years) and so tying the hands of the city government that it could do precisely what he wanted it to do and practically nothing else. The public rose in revolt. The Chicago city council, in the face of popular opposition, dared not pass the Yerkes ordinances. The

next general assembly, that of 1899, speedily, with only one dissenting vote in the House, repealed the hated Allen law. The next move was for affirmative legislation in the interest of the public. As the result of much agitation, and after a riot in the House of Representatives in which the speaker was literally driven by fear of personal violence from the chair, and not allowed to resume his seat until he would agree to give a roll call on all important questions, the Mueller municipal ownership law was passed. This law authorizes cities to own and operate street railways. In terms this law applies to all cities of the state that choose to adopt it on a referendum. The vote on the adoption of the act in Chicago was 153,223 for and 30,279 against. Many persons voted for the adoption of this act who did not wish to make use of it to municipalize the street railway system. The Chicago idea is that the city should have full power to deal with every public utility question in such manner as seems best to it. It is then for the city to decide whether it shall municipalize or grant a franchise to a private corporation.

The same legislature that passed the Allen law also passed laws greatly strengthening the position of the Chicago gas and electric

**Gas and Electric Lighting**

light companies. Although there was much popular dissatisfaction with this legislation practically nothing was done to remedy the wrong until 1905, when the legislature passed laws authorizing the Chicago city council to regulate charges for gas and electricity and also authorizing the city of Chicago to sell surplus electricity to private consumers.

Under the authority thus secured the city council lowered the price of gas from one dollar to eighty-five cents per thousand feet. In advance of legal action by the council affecting their interests the principal electric lighting companies voluntarily reduced their rates to figures which had been recommended by the city's experts. It will thus be seen that the Chicago policy favors the exercise by the city council of the powers of regulation and control over public utility matters which in New York or Boston are exercised by state commissions.

At the time when Mr. Yerkes inaugurated his campaign to secure 50-year franchise grants with the help of the legislature, the

political conditions in Chicago were most discouraging. Corrupt machine politicians were in control of the situation in both parties. In all branches of government corruption and inefficiency were the rule rather than the exception. The city council especially seemed to be hopeless. Of the 68 members of that body at that time not more than 10 were suspected of being honest. The remaining 58 were organized into a gang for blackmail and plunder. Had it been possible to accomplish anything in that line, the respectable citizens of Chicago probably would have tried to get the legislature to remedy the situation by depriving the council of all its important powers, just as was done in New York. But the same elements that profited from a corrupt council were also in control at Springfield. The only legislation that could have been secured therefore would have been of a kind to put the public still more at the mercy of the predatory special interests. If they would better conditions, therefore, there was absolutely nothing for the people of Chicago to do but to seek to regain control of the various agencies of government that had been captured by plundering interests of one kind or another. To my mind it was most fortunate that this was so. Because there was no easy path to good government open to them; because there was absolutely no other way to get results than to join in a democratic battle for the recovery of representative government, the people of Chicago made the attempt to do that very thing. The Municipal Voters' League was organized in 1896 under the leadership of George E. Cole. It centered all its efforts upon the city council as the sorest spot in the local governmental system. Some success was achieved the first year; more the next. Very soon enough reliable aldermen could be mustered to sustain a mayor's veto. In the course of five or six years it was possible to organize the council on non-partisan lines. Of late there has been a disposition to assert that the whole progressive movement in Chicago has received something of a setback, and the city council is included when this statement is made. As George E. Cole put it, "There is a slump in reform." But even allowing for temporary recession, there can be no denying that the improvement as compared with ten years ago is tremendous. I have every faith in the prog-

**The Municipal  
Voters' League**



ressive movement in Chicago. Temporary "slumps" are inevitable in municipal politics as elsewhere. But I have full confidence that the progressive forces at work in Chicago are bound to be more and more successful as time goes on.

The Municipal Voters' League during the 12 years of its existence has continued to confine its activities to the city council. However, it has been but one of many forces at work in the community for the betterment of municipal conditions. The political standards have been raised and the power of machines has been weakened. Today no one man nor group of men can control the political situation in defiance of public opinion.

One reason why the Municipal Voters' League could achieve some success in striving for the regeneration of the city council was that the council was worth saving. It was possessed of real powers for either good or ill, as the case might be. The ability shown by the people to improve the personnel of the council has made possible the creation of public opinion calling for the still further augmentation of the powers of that body. The situation is thus different from what it is in New York or Boston, where the boards of aldermen are possessed of such contemptibly small powers that they are scarcely worth reclaiming. They offer little inducement to men of ability to seek membership in them. In Chicago, on the other hand, the president of the Board of Trade did not consider it beneath his dignity to become an alderman, because the position actually afforded opportunity for important public service, of recognized value.

In most cities the initiative on important questions is taken by the mayor rather than by the board of aldermen. And as a rule in contests between the mayor and aldermen the public is obliged in order to protect its own interests to take the side of the mayor, as is the case also as between the governor and the legislature in most states today. In the field of national politics, too, public sentiment has been obliged to rally to the support of the president in his efforts to force from an unwilling congress legislation in the interest of the people. In Chicago during the past seven or eight years the initiative in most important matters has been taken by the city council rather than by the executive de-

**The Chicago  
Council Worth  
Saving**



partment of government. The council has been a more effective constructive force than the mayor, whether that mayor be Harrison, Dunne, or Busse. I doubt if there are many cities in which the council would be sustained in opposition to the mayor by a referendum vote on a proposition of great importance. Yet that was precisely what did occur in Chicago. The traction settlement ordinances worked out by the committee on local transportation and passed by the city council, were approved by the people on a referendum vote last April by a majority of over 33,000 in the face of strong opposition from the then mayor of the city.

I will now discuss the attempt of Chicago to secure a comprehensive home-rule charter.

As I have shown, the instances of direct legislative interference with the municipal affairs of Chicago were comparatively few in number and were always vigorously combated by public opinion. On the negative side, however, Chicago has been greatly hampered by legislative interference, that is by the failure of the legislature to confer upon the city the powers necessary to its proper development as a self-governing community. The justice court system was for years a scandalous disgrace, yet the situation was such that the people of Chicago themselves were powerless to effect the much needed reforms. The area comprising the city of Chicago has been cursed with a multiplicity of independent governing and taxing authorities. The revenues have been deficient, the borrowing powers ridiculously inadequate and the tax system crude and faulty. These evils and many others that might be mentioned could be cured only by the legislature, and the legislature has been very slow indeed to confer upon the city the grant of authority necessary to enable it to work out for itself solutions of the problems that vex it. The Mueller law, intended to enlarge the power of the city to deal with the street railway question, as I have already stated, was enacted only after a riot in the House of Representatives. The grant of power to regulate the price of gas and electricity was secured with the greatest difficulty and only after the private interests affected had, in vain, put forth suggestions for state commissions to exercise the powers of control which the city demanded. Pub-

**Direct  
Legislative  
Interference**

lic opinion revolted at the idea of being obliged to fight inch by inch for every specific grant of authority needed by the city. It was argued by many that the city should have, *once and for all*, from the state a grant of power sufficient to enable it to govern itself without the necessity of continued appeals to the state capital. As one step in this program an agitation was begun by the Civic Federation for an amendment of the state constitution to lay the foundation for the kind of charter legislation desired by Chicago. After a vigorous campaign throughout the state this amendment was adopted by the voters of Illinois at the election of 1904. It authorizes the legislature to pass such law or laws as may be needed to confer upon the city of Chicago a "scheme or charter of local municipal government" and stipulates that no such law shall go into effect until approved by the people of Chicago on a referendum vote.

Under the authority of this constitutional amendment the legislature of 1905 passed three laws affecting the government of Chicago. One abolished the old justice courts

**The  
Constitutional  
Amendment  
of 1905**

and created in their place a system of municipal courts. Another was the act authorizing the city to regulate charges for gas and electricity.

The third, among other things, changed the term of the mayor from two to four years. All three were adopted on a referendum vote. Some of us objected to changing the term of mayor from two years to four years, as a separate proposition apart from a comprehensive charter-revision scheme. It savored too much of the New York method under which the legislature is continually changing the term of mayor in such a manner as to give a bad mayor a long term and a good mayor a short term. Van Wyck served for four years. When Low came into office the term was two years. Before McClellan took office the term had been changed again to four years. But it was difficult, under the circumstances, to stir up much of an agitation against a proposition to make the term four years in Chicago, especially as the act contained other features that were meritorious.

It became evident that if Chicago was to get a satisfactory charter the piecemeal method of legislation must be abandoned and some comprehensive plan undertaken. In accordance with

this idea Representative John P. McGoorty tried to get the legislature to authorize the calling of an elective charter convention, but his suggestion was not acted upon. As the next best method of meeting the situation Alderman Milton J. Foreman induced the city council to adopt a resolution providing for a quasi-official

**The Charter  
Convention**

appointive charter convention. This convention consisted of 15 aldermen, 15 Chicago members of the General Assembly of the state, 15 citizens of Chicago appointed by Governor Deneen, 15 citizens appointed by Mayor Dunne, and two representatives from each of the seven other taxing bodies besides the city of Chicago, making a convention of 74 members. Although predominantly conservative in its makeup, this convention was fairly representative of all shades of public opinion in the community. After several months of hard labor the convention perfected the draft of the charter. This instrument aimed to confer upon Chicago a broader grant of power than is now possessed by any American city. The grant of power in terms was general rather than specific. Some matters, of course, were taken care of in detailed language. As to public utilities, the provisions of the Mueller law relating to street railways were made general in their scope. The city was authorized to acquire, own and operate any public utility or to provide the service through a carefully guarded franchise grant. There was a stipulation that no franchise to a public utility corporation running for a longer period than five years should become effective until 60 days after its passage and if within such 60 days there should be filed with the City Clerk a petition signed by 10 per cent of the voters asking for submission of the ordinance to a referendum the ordinance should not become effective until approved by a majority of the voters. The city was authorized to make public improvements either by the direct labor system or by contract, as might seem to be best. The grant of police powers was broad. Except as to certain designated features, the charter could be amended by local action without resort to the legislature. It was stipulated that the council might frame amendments to the charter which should become effective when ratified by popular vote. Under the measure as drafted the council was accorded even more prominence in the scheme of local

government than it now possesses. The aldermen were given a four-year term and a salary of \$3,500 a year. The council was given full power of inquiry and investigation over all administrative departments. While many compromises were necessary in the convention and the draft as completed did not fully meet the views of any one member of that body, the entire membership joined in asking its passage by the legislature. Had the legislature complied with the request of the convention there is practically no doubt that the work would have been approved by the voters. There would have been no organized fight against the adoption of the charter.

But in Springfield the draft as submitted by the convention was altered in material respects in the interest of political factions in Chicago. Important changes made by the legislature were as follows: The provisions for direct nominations of candidates for city offices, and for publicity of campaign expenses were stricken out; the party circle was restored; the number of wards was changed from 35 to 50 and the number of aldermen from 70 to 50; in place of allowing the council to redistrict the city into wards, as has been the unbroken custom in Chicago, the legislature itself gerrymandered the city in the interest of dominant political factions and it was provided that the wards as therein laid out should not be changed until after the federal census of 1920; the civil service features were altered so as to lodge with heads of departments greater power of removal; the provision for extending the operation of the civil service law to municipal court employees was stricken out; the anti-pass section was restricted; the provision to allow the city to collect rental for the use of sub-side-walk space was stricken out; and, finally, the legislature refused to pass the bill recommended by the charter convention as a separate measure, giving Chicago home rule on the question of whether or not the saloons should be open on Sunday.

Spokesmen for the charter said it was the duty of the legislature to pass the measure precisely as recommended by the convention except in so far as it might be shown specifically to contravene some rights of the state at large. This contention was ignored. The charter as altered was submitted to the voters of



Chicago for their approval or rejection at a special election September 17. It was rejected by a vote of 121,935 to 59,786.

Why was the charter defeated? The men responsible for the changes in the instrument at Springfield ascribed the slaughter to the cry of higher taxes. This cry undoubtedly had its weight. The issue was injected into the campaign, however, largely by men who had themselves other reasons for wishing the charter defeated. The organized fight against the adoption of the charter was instituted chiefly by two elements, those who took offense at the political changes made in the draft after it reached Springfield, and the United Societies, the members of which were fighting for home rule on the Sunday question.

#### **The Defeat of the Charter**

Public sentiment was outraged at the manipulation of the political features of the charter in the interest of the dominant factions. Most of those who urged the adoption of the charter, of whom I was one, did so on the avowed theory that the progressive features of the instrument were too valuable to lose, despite the gravity of the political objections. The majority of the voters would not accept this view of the matter. Since the election I am inclined to the belief that the instinct of the people was right. While we lack the new charter with its admirable features, the political atmosphere has been cleared by the large adverse vote which was interpreted as a decisive rebuke for the factional partisan leaders who sought to manipulate the charter to their own selfish advantage. The popular demand for political freedom voiced by the defeat of the charter may have great weight in helping to secure the enactment of a real direct primary law by the legislature now meeting in adjourned session to consider that subject. The situation is somewhat chaotic just at present but probably in due time Chicago will get its comprehensive home rule charter without the accompanying political humiliations and dangers that would have attended the acceptance of the document as submitted by the last legislature. At any rate the people of Chicago have given another illustration of their spirit of municipal independence. They will go without a new charter until the legislature chooses to give them one they can accept with self-respect. No doubt the charter as recommended



by the charter convention would meet with popular approval on a referendum vote today.

To understand the position of the United Societies it is necessary to go somewhat into the history of Sunday closing, or rather of Sunday opening of saloons, in Chicago. Following the fire of 1871, Joseph Medill, founder of the Chicago Tribune, was elected mayor. He closed the saloons on Sunday. The next mayor was chosen by a large majority on the wide-open issue. Since then the saloons of Chicago have kept open on Sunday as freely as the drug stores. Every candidate for mayor, except the prohibition nominee, has announced that he would not enforce the state law requiring the closing of saloons on Sunday. The principal newspapers have acquiesced in this policy. But the citizens of Chicago of foreign descent who insisted on having their Sunday beer did not like to hear the prohibitionists taunt them with being law-breakers. So they formed an organization under the name of the United Societies to work for the legalization of their customs. The charter convention recommended the passage of a separate bill giving the city the right to make its own regulations on this subject. The law requiring Sunday closing of saloons had been kept on the statute books as a concession to the temperance sentiment of the state at large, which seemed to be satisfied so long as it had its law, although there was no pretense of enforcing it in Chicago. The legislature refused to pass the bill favored by the United Societies. Thereupon this organization, as a means of making its influence felt, began a vigorous fight against the adoption of the charter. It was an important factor in the campaign.

It seems to me passing strange that the temperance elements should combat so strongly the position of the United Societies. So long as dependence for restrictions on Sunday opening is placed on a rigid state law at variance with local public sentiment so long will the Sunday saloon remain absolutely untrammelled. If the city were accorded home rule on the subject then the questions of policy involved would arise for local consideration on their merits. And it is by no means certain that some restrictions would not then be made and enforced. Public sen-

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Sunday Closing**

timent calls for the enforcement of such regulations as are imposed by the council, like that for closing at one o'clock at night.

In closing I desire to make some comparisons between Chicago on the one hand, and the cities mentioned—Boston, New York and Galveston—on the other.

Boston is said to get good results from its state commissions that exercise municipal functions in the community constituting

**Boston** Greater Boston. But the effect upon the self-governing capacities of the people of Boston would seem to an outsider to be demoralizing. In the absence of the larger responsibilities, such functions as are left to the city itself are likely to be performed less and less efficiently, with the inevitable result that the state, in the interest of immediate good government, must undertake to do directly more and more of the work of the municipality.

New York City, under Albany domination, and with its dispersion of such authority as is vested in the city among a multitude of independent and irresponsible boards and

**New York** department heads, does not even have good government in the sense in which Boston secures some degree of administrative efficiency. I do not see how New York can ever expect to have good government until there is a fundamental reorganization, with a real local legislative body of some kind vested by the state with the authority over city affairs now exercised by the legislature direct. I do not believe New York's board of aldermen can ever be rehabilitated. The thing to do, therefore, would seem to be to abolish the board of aldermen altogether and attempt to make a real legislative body out of the board of estimate and apportionment. This would give New York a good opportunity, in reconstituting its board of estimate, to apply the essential principles of the Galveston plan.

In studying the Galveston plan, it is important to avoid being misled as to what are the real essentials. To some persons the

**The Galveston Plan** whole significance of the Galveston plan is comprised in the two statements that the commission is composed of five members and that they are elected from the city at large rather than by wards. To my mind the vital features of the Galveston plan would not be altered if it

provided for a commission of 50 members instead of five, and if the members were elected by wards or districts. American cities have experimented with governing bodies of all sizes, and have changed from ward to general city tickets and back again without vitally affecting their governments for the better. Galveston elects its ruling commissioners at large and gets good results. But San Francisco's board of supervisors, 18 in number, are also elected at large. Chicago has been able to make great improvement in its city council, the members of which are elected by wards. Some of the leading men in Chicago's progressive movement think the same success could not have been attained under a system of choosing councilmen at large.

The essential features of the Galveston plan, to my mind, are:

1. A grant of power sufficient to enable the commission to do what is reasonably necessary for the government of Galveston. Most American city governments lack the authority to accomplish the results expected of them.

2. The form of the government is that of simple, centralized and direct responsibility. There is an absence of those "checks and balances" that interfere so greatly with practical efficiency.

3. There is no dominating mayor or chief executive. The authority is vested in the commission as an entirety. Instead of a separation, there is a mingling of legislative and administrative functions.

4. The conditions were such as to induce the proper political interest and activity on the part of the electorate. The community that imitates the Galveston plan and then neglects to do the practical political work necessary to the selection of capable and honest commissioners will be sorely disappointed in the outcome.

On this analysis of the Galveston plan the essential dissimilarity between what Galveston has and Chicago is striving for is not great. Given the plan of government embodied in the draft of the charter as prepared by the charter convention, modified so as to provide for the election of the mayor by the council rather than by direct vote of the people, and the similarity would be still closer. In this connection it is significant that the proposition to have the mayor elected by the council was seriously advocated in

the Chicago charter convention by such men as Walter L. Fisher, Prof. Charles E. Merriam and Ald. Frank I. Bennett, chairman of the council finance committee. In my opinion, the charter as recommended by the charter convention, which I believe Chicago will yet secure in substance, is better than the Galveston plan in that it confers larger powers of self-government upon the city.



## The Evil Influence of National Parties and Issues in Municipal Elections.

By HON. BRAND WHITLOCK,

Mayor of Toledo, Ohio.

In giving you this afternoon the grounds for my belief that national parties and national issues should be excluded from municipal contests, it is but fair to say at the outset that I speak

### **Fundamental Democracy**

from the standpoint of one who believes in fundamental democracy—in democracy with a little “d,” in a government in which all men have a voice, the poorest as well as the richest, the proscribed as well as the privileged, and even the bad (if there are any bad) as well as the good. I say this because I am aware that there are many in this nation who do not believe in democracy at all, many who distrust democracy and fear it, that there are some, indeed, who hate it, and that there are others who seem not to understand it or to know what it is all about. These, and others, having observed the mismanagement, the folly, and the corruption in our cities have thought that democracy was a failure, that it did not work. But to me all these failures, all these wrongs are not the failures of democracy, but are rather the failures incident to a lack of democracy; and the cure for all the ills from which cities suffer is not, as many suppose, less democracy, but more democracy. If one wishes to do some good in his city, he is pretty sure to find before he goes very far that he is hedged about by legislative walls, and as he seeks a way almost inevitably he finds that some statute of the state prevents his accomplishing the good thing he would like to do. And before long it becomes pretty clear to him that the cities of America are not free, that they are not self-governing, that democracy in the full sense does



not exist in them at all, but that they are governed by men in the state legislature, men who know nothing about cities and care nothing about cities, men who do not understand the life or the aspirations of the cities, and that in league with these rural legislators, though oftentimes unconsciously to them, are political bosses who represent special privilege and rule the city in the interest and for the benefit of privilege, with a cynical disregard of the rights of the people of that city, for whom, and for whom primarily, the city should exist. That is to say, the whole trouble with the American city is that it is not free; it is distracted and bedeviled constantly by outside influence, among which, most prominently, are the state legislature and the national political party. In other words, nearly everybody seems to have something to say about how the city should be run except the people in it.

The whole subject, of course, is large and has many and most intricate ramifications, but, speaking from an experience and from an interest which have, perhaps, too narrowly been centered in the problem of city government, I should say that the first step toward municipal reform—real reform—is the exclusion of national parties from municipal politics. And before going into that subject I should like to read to you an extract from an essay written many years ago by a man who, to my mind, understood and, as one might say, *felt* democracy more clearly and keenly than any other man, and who became the great poet and prophet of democracy—Walt Whitman. In his essay on “Democratic Vistas” he says:

“To practically enter into politics is an important part of American personalism. . . . It is the fashion among dilettants and fops (perhaps I myself am not guiltless) to decry the whole formulation of the active politics of America as beyond redemption and to be carefully kept away from. See you that you do not fall into this error. America, it may be, is doing very well upon the whole, notwithstanding these antics of the parties and their leaders, these half-brained nominees, the many ignorant ballots, and many elected failures and blatherers. It is the dilettante and all who

**Intricate  
Ramifications**

**Practical  
Politics**

shirk their duty who are not doing well. As for you, I advise you to enter more strongly yet into politics. I advise every young man to do so. Always inform yourself, always do the best you can, always vote. Disengage yourself from parties. They have been useful, and to some extent remain so; but the floating, uncommitted electors, farmers, clerks, mechanics, the masters of parties—watching aloof, inclining victory this side or that side—such are the ones most needed, present and future. For America, if eligible at all to downfall and ruin, is eligible within herself, not without; for I see clearly that the combined foreign world could not beat her down. But these savage, wolfish parties alarm me. Owning no law but their own will, more and more combative, less and less tolerant of the idea of ensemble and of equal brotherhood, the perfect equality of the states, the ever-over-arching American ideas, it behooves you to convey yourself implicitly to no party, nor submit blindly to their dictators, but steadily hold yourself judge and master over all of them."

If I were asked to pick out and designate the man who is responsible for the ills of our cities, the man who is responsible for our being here this afternoon engaged in an effort to do something to correct these ills, I would designate, not the boss, not the politician, not the lobbyist of the street-car company, but instead the man who in municipal elections always votes the straight party ticket. There are large numbers of such men in every city in the land, and one of them is typical of all. It can be said of these men that they are, for the most part, decent, respectable citizens who do their duty by their families, their business associates and their church. In national affairs they have certain principles and they vote them. They are very proud of voting the straight ticket; they speak of voting the straight ticket, and of having voted it since they were twenty-one, and of their firm determination to vote it as long as life lasts, and the central committee sends around the hack on election day as if this were a cardinal virtue entitling them to general consideration and respect, and they actually think, no doubt, that by voting that straight ticket they do their duty by their nation, by their state and by their city. You will hear them speak of their party devoutly; it means more

**The Responsible Man**

to them than their city. They are tremendously concerned about something they call "party regularity"; they have, indeed, a phraseology or cant talk of their own; they speak of "party fealty," "party allegiance," and then of "party sedition" and "party treason." Many superficial and dilettante reformers who seem to hope to save the city and the state by establishing a kind of aristocracy of the "better element" have long complained that the majority of men disregard and neglect politics; but these men of whom I speak—and they are yet quite largely in the majority—do not disregard politics; they talk politics half the time; but the trouble is that they do not *think* politics. I said a moment ago that in national affairs they have principles and vote them. I should like to modify that statement. Many of them have no political principles, or have none until the committee on resolutions has brought in its report, and then the platform that the committee reports provides them with principles, or with such principles as can be discovered in its mass of complicated and straddling statements. They talk of "throwing away votes," or of "losing votes," as if to win one must always be with the winning side, as if ballots, even though there be but one in a million, do not count when cast for principle alone! Partyism is to them more than patriotism, more than civism—they love their party more than their city; they are of a part, not of the whole. They have "conveyed themselves implicitly"; they are no more their own masters; they have submerged their individualities, dwarfed their personalities; they have consented to become something less than free men; they have voluntarily disfranchised themselves and actually conspired to throw away their votes; they have done all this by belonging to parties. That is it precisely—*belonging*; they belong; they are owned, and hence cannot be free. America is, or was intended to be, and some day will be, a democracy. A democracy means the whole of the people, not a part of them; a democracy means free men, not owned men. The party man, indeed, is in a curious state of mind; passionately devoted and unalterably committed as he is to his party, he, nevertheless, does not insist that every one belong to his party; he does not even wish that; he insists only that every one belong to some party, to any party. He proclaims his

respect for his neighbor who belongs to an opposing party, but he treats with something like contempt the man across the street—if there is such a man—who says that he belongs to no party at all. Why is this? Because to the party man the party is of primary and paramount importance, the principle is secondary. The party has ceased to be a means, a mere vehicle to carry onward a principle, and has become an end in itself. The party man has lost sight completely of his town; he thinks only of his party and of his duty toward it, and he feels that he has discharged that duty, and his whole duty, if he is, as he loves to say, loyal to that party; that is, if he votes his party ticket. And thus he feels that by belonging to a party he is patriotic, just as some men think that by belonging to a church they are religious. And so he enters the state of the crystallized mind; the form is everything, the spirit is nothing.

In their beginnings parties were groups or bodies of men who believed in certain principles and thought, sensibly enough, that by organized, united effort they could advance those principles and bring about their adoption.

**Political Parties** So far, parties were useful; but in time the principle is established, takes its place in institutions; the end is accomplished, but the party, the bare organization, remains, and its leaders, enjoying its victories, finding the fruits sweet, long to perpetuate themselves. They survive for a while on the party prestige, then finally cast about for another principle—and any principle will serve. Platforms, as the old politicians said, become good things to run on. But now the party no longer exists for the principle; the principle exists for the party. The once gallant ship, having accomplished its warfare and carried its flag to victory, turns pirate and sails for a while under the old flag, then under any flag it can get—and to the victor belong the spoils.

Sometime ago I had the pleasure of listening to an address delivered by a "young civilian" aged fifty-two—one of those young civilians Emerson writes about in his essay on "Politics." This young civilian was a Republican because he had been born in Ohio of a Republican father. He was deploring the independence the people had recently displayed in their own affairs, particularly in municipal affairs. After extolling the virtues of the

Republican party and celebrating its glories, after paying his tribute to the great men he said it had produced, he paid a tribute no less fervid to the Democratic party, lauding its past and acclaiming the great men he said it had produced. This address was delivered between elections, and yet in campaigns this young civilian abuses Democrats and derides their party and the great men he thinks their party has produced, and shows how foolish and mistaken they were. But does he wish Democrats to change their minds and become Republicans? Not at all; he does not wish that; he wishes them to remain Democrats; for in order that the party system may do its perfect work it is necessary that there be two parties and two machines in existence, and that this may be the case it is obviously necessary for a great many men to be in the wrong, and to stay in the wrong, so that he may have something and somebody to abuse and fight; that is, it is

**Great Men and  
Parties**

necessary that a farce be enacted at every election. This young civilian, like all young civilians of advanced age, did not know that it is not the parties that have produced the great men; the great men have produced parties; for, to quote from the wise Emerson: "An institution is the lengthened shadow of one man; and all history resolves itself very easily into the biography of a few stout and earnest persons." The Republican party did not produce Lincoln; he was here with his principles and his patriotism before the Republican party came. The candidates whose names the boss prints under the eagle on their ballots do not thereby become Lincolns. They merely find it more convenient to run

on Lincoln's record than on their own. "The **The Party Man** 'party man,'" as the late Governor Chamberlain said, "looks at political facts with his prejudices, not with his eyes"; and in cities in which his influence is now to be considered he does not look at political facts at all; he looks at political theories which do not concern his city as a city, theories which concern the people of his city, it is true, but only in their relation to the state or to the nation at large. That is, he votes for a man for the city council who, if he were in Congress, would vote this way or that way on the tariff; or for a mayor who, if he were President, would do this thing or that thing with refer-



ence to national expansion or the currency question or something of that sort; but not being concerned in any of these questions as a city official, he gives the street-car company or the gas company a new franchise, and the party man has foolishly bartered away his own rights, and his neighbors' rights, and his children's rights, for half a century. He thought, perhaps, he was voting for Lincoln or Jefferson, but in reality he was voting for some contractor or for some political boss or for some public-service corporation.

When the majority of the voters in a city have got themselves in this frame of mind—that is, when they have tacitly agreed not to consider municipal questions at all—for that is what it all comes to—the opportunity of the political boss is ripe, and so inevitably and punctually the political boss appears and establishes himself as a dictator. It should be remembered that the political boss did not get the party man into that frame of mind, he did not lead them into that state; they got themselves into that state, and he did not appear until they had arrived; he is merely a logical result, a political, sociological, and, as we shall see, an economic symptom. He has no political principles himself; he is not concerned with principles, save as a pirate is concerned with flags, and like the pirate, he sails under that flag which best subserves his purpose at the time; he belongs to no party; he is too wise for that—he governs a party, he owns a party, and he inevitably selects the dominant party as his prey. He is, indeed, the original non-partisan, the independent turned, as it were, upside down; and the people can learn from him that had they like independence in local affairs they might have like power. He is not in politics for principle; he is not always in politics for politics; he is in politics for business. He wants something to sell, something for which in certain quarters there is a demand, something for which a certain few will pay high—that is, privileges.

**Partisanship** He sees in the unintelligent votes of the party man a tremendous asset and he utilizes it. He knows that as soon as a sufficient number of men have become partisans, automatic voters, who consider a straight ticket more important than a straight conscience, they no longer need be reckoned with, that they can be depended upon to do the same

thing every time, over and over again, like performing bears; that is, he knows that they will always vote the same way. They have voluntarily disfranchised themselves, eliminated their own personalities, and they no longer count. He pays, indeed, little attention to them, save as now and then he permits the more prominent among them in their capacity of eminent citizens to serve on honorary committees and superfluous boards, and whenever he deems it expedient to create a diversion, he allows them to be of the two hundred honorary vice-presidents who sit gravely on the platform and look the part while some Congressman from an adjoining state glorifies the party record. Thus befogged by party superstition, they forget the present and barter the future in order to worship the past; they become like the Dead Souls in Gogol's novel, and the boss, like Tchitchikoff, can put them up and sell them to the highest bidder.

As long as the great mass of voters are thus stupefied by partisanship and cling to the superstition of party regularity, and go about expressing themselves only in dead phrases, just so long does the boss know that he can control—nay, be—the government of the city. He knows that he need only dominate the central committee to have party caucuses and party conventions at his mercy. Then he puts the names of certain men on the ballot, men he picks out himself, men who will do what he tells them to do, men who are simply his creatures, and the self-disfranchised automatons will inevitably vote their straight ticket and formally, legally elect the men he has already chosen for them. And then in order to establish more firmly his despotism on the ruins of the democracy its own members have destroyed, he advances another step. He and the other bosses have their legislatures recognize parties in the laws, where they never were entitled to recognition. Third parties, independent movements, become difficult, almost impossible, and new hypocrisies and new frauds are perpetrated; the farce of "bi-partisan" boards appear—election boards and what not—a whole vast paraphernalia and complicated machinery, enormously expensive to the people, whose money is thus used to destroy themselves, but providing many new places.

About the same time the boss, and those he represents, devise

a new and most convenient form of ballot, a form that is convenient for him and for the party automatons, and as if no opportunity for hypocrisy should be overlooked, he calls this the Australian system, though it bears no resemblance to anything Australian except, perhaps, the dodo. He prints the names of the nominees in columns, and over each column he prints a picture of a bird, an eagle, or a rooster, or some bird of prey, and thereafter the party man need exercise no intelligence whatever. The boss has made provision against every possible accident and contingency, even partisan paresis. The human organism which was once a free man needs only the ability to recognize a given bird when he sees its picture and to put a cross under that picture. To such base and disreputable depths has partisan politics sunk in Ohio, for instance, that campaigns have been waged and won on the single cry alone, "Put your cross under the eagle and let it go at that!"

If, democracy having been thus overthrown, it were desirable to have an aristocracy—and doubtless it were better as being one step farther from oligarchy and one nearer to democracy—this condition might afford the opportunity; for in the city where the automatons of the two parties have paired with each other, the few remaining uncommitted electors voting now with this side, now with the other, by playing one party off against the other, might incline victory this way or that. This, of course, would be

**The Wiles  
of the Boss**

a clumsy method at best, because it has to choose between the two horns of a dilemma, for both parties may be, and very likely are, in the wrong; and yet this is by some triumphantly pointed out as the great merit of the party system. But this method is not practicable, or even possible. The boss has provided against this contingency also, as he has provided against all contingencies, save only one, and that the one he fears least, namely, a constant assertion of free, untrammelled individuality on the part of electors. The wise, or at least wily boss, beholding his dupes and followers enslaved by the passion of party loyalty and given over entirely to party superstition, realizing that they need no longer be reckoned with, that they have entirely eliminated themselves from the situation,

does all he can to keep them in this state of mind. He appeals through the party organ, which he and his corporation clients control, to their party feelings and passions and prejudices. He feeds them, barely enough—as is always done with slaves—to keep them alive on the husks of party memories; he sounds old slogans and battle-cries, and by making politics as dirty as possible, deters decent men from entering. He beats the tin pan of party regularity and hives all the swarming partisans. But if now and then, as sometimes happens, certain of the superstitious and stupefied show signs of returning consciousness, and grow restive, he has only to repeat the magic words, "The good of the party," and the hypnosis is restored; they become docile again and obedient. But even if this should fail, if mere magic will not do, if the restive persist and begin to speak of purifying the party from within, the boss changes his candidates, lays aside his pawns, selects new ones, and with these the party automatons, who naïvely supposed that they could beat the boss at his own game, are satisfied and re-enter the state of coma.

But even this is not all. If it were, there might still be hope. There might be hope, for instance, that you might beat a dishonest machine with an honest machine; you might get a boss who would do his bossing in the interest of the people instead of doing it in the interest of the public-utility corporations. This, of course, has been done, but not, I fear, for long. For the party boss has laid a deeper, more sinister and a far more effective plot. If he is the boss of the dominant party, as invariably he is, for the simple reason that the boss is the strongest, the fittest to survive in his rude environment, he makes overtures to the boss of the minority party. They effect an arrangement, a working agreement, and thereafter the big boss dictates not only the nominations of his own party but those of the opposing party as well. The nominations on the opposing ticket are always weak, they are always defeated; and for his reward the little boss receives a portion of the plunder. Thus government passes wholly into the hands of the big boss and his organization.

Such is the situation at last in every city in the land where the stupefied partisans have enabled bosses to build up large machines; inevitably and logically the machines unite and become

one machine, a bi-partisan machine. The party system has defeated its own end; it has fallen of its own weight; and where the young civilian saw the beneficial results of competition, there is seen by the wise to be no competition, no opposition even, but a smoothly working coöperative system by which friction and waste are eliminated and the machines of the two parties are found secretly united for plunder and a division of the spoils. Such is the immense fraud, the stupendous hypocrisy of this system, which, as its last expression, perpetrates an amazing and unprecedented satire on the very men who admire it and uphold it and make it possible.

**The Fall of the Party System**

It would be instructive to have, were it possible, some statistics of the cost of partisanship. The waste and extravagance of our municipal governments have become proverbial; men, until the recent awakening, have sat helpless before the fact, incapable of dealing with it otherwise than in a spirit of sardonic humor or pessimistic fatalism, passing at length into cynical indifference. The people's money has been squandered among a horde of contractors allied with the bosses; it has been given away to dependents and servers, the occupants of useless, if ornamental, offices; it has been spent in salaries to men, often respected, if not wholly respectable, wooed, through their vanity, into acquiescence, by membership on the idle and lazy boards among which the bosses have distributed the functions of municipal government. Privileges on which princely fortunes and new and insolent aristocracies are founded have been bartered away; the very streets and water-fronts have been sold for enormous sums, no part of which has enriched the public treasury. The result has been that municipal government in America has been the most inefficient in the world. For, with numerous boards, responsibility has been divided and dissipated; the people have been unable to say who was to blame for the ills they were uneasily, if not intelligently, conscious of; disharmony and confusion have been the result; nothing can be done, progress is impossible.

**The Cost of Partisanship**

But if the material cost of partisanship has been great, the spiritual cost has been immeasurably greater, and, of course, of immeasurably greater importance. For the most valuable capital,



the chief asset, of a city is the character of its citizens. That this cost has been somehow, though dimly, recognized is proved by the fact that men of clean hands and clean lives have not gone into politics; indeed, they have shunned and avoided politics. Let one such enter it, even in some humble way, and his friends condole with him, try to dissuade him. As a career, politics is not to be thought of; the young have been warned against it; its debauchery still affords the staple argument against woman suffrage; it has been a proof of high standing and respectability to turn from it in loathing and disgust. Instead of being, as it should be, a high and honorable use to which to devote talents, instead of being the most worthy calling man is capable of, it has become an impossible sacrifice and degradation. To speak of a man as a politician has been to intimate something unsavory and low. And this in America, where all men, sovereigns by right, should be politicians, devoting themselves to the searching-out of those divine laws by which men are to live together in equal brotherhood, giving themselves to the helping and saving of others!

We have recently had some saddening examples of this moral cost; we now know something of the men that have been ruined, of the characters that have been blackened and broken, of the hideous results of the bribery and the corruption that have swaggered wantonly and shamelessly through our legislative halls. Blind, stupid partisanship has not only done all this, but it has justified it. It has condoned any crime, so that slander, libel, lying, stealing, forging, ballot-box stuffing, kidnapping, bribing, have become excusable as long as they were done in the cause of party.

Furthermore, it has prostituted journalism, and, in instances, destroyed a free press. The party organ is conducted by men who, in all other relations, are apparently guided by high ideals and inspired by noble purposes, and yet are willing to delude, deceive and lead astray their fellowmen, and in the cause of partisanship to descend to any depths in order that their party may triumph. Though here again partisanship defeats its own ends; for the party press has become utterly unreliable, it has wholly lost its influence and abdicated its throne of power. Who, for

instance, reading a partisan paper, believes that a meeting of the opposition is correctly reported, or an opponent correctly quoted?

But in importance and significance beyond all this is the withering of character, the wasting of strength, the disintegration of personality, which is the punishment that inevitably, inexorably and remorselessly follows the violation of law—that is, real law, not the printed statute, which is oftentimes something very different from law—but the law of the moral world, which no legislature need enact or can repeal, which requires no executive to enforce it. Conspicuous and chief among these laws is that of spiritual cause and effect, according to which evil can produce only evil, and hate more hate, so that all the bitterness and malignity and intolerance of partisan conflict can never bring forth any good thing in men or in their government. Instead of all this strife and hatred there must be brotherhood and love; instead of this disunion there must be union and solidarity. Then good will come.

Parties, then, as the great poet and prophet of democracy says, have been useful, and to a certain extent remain so, but only in national affairs, and there because they still depend in a way on elementary principles and fundamental differences, more or less

#### **The Usefulness of Parties**

hazy and doubtful, to be sure; but chiefly because our conception of nationality is as yet too weak to grasp the full significance of democracy, in which men struggle together toward one far goal and pursue unfalteringly one high ideal. But in the states, and more, yes, entirely, in the cities, parties have lost their meaning and their use. That this is true is already shown by the increasing independence the people are displaying in their own affairs. They are learning that a citizen's relation to his fellow-citizens, his attitude toward the issues in his town, are not determined by his views on tariff, or expansion, or immigration, or coinage. The old ideal of party loyalty is soon to be superseded by the newer, purer ideal of civic loyalty. No more is the success of the party to be the one thing aimed at; now it is to be the success, the triumph of the city. Not much longer will men run for local office on platforms dealing with national issues, real or artificial; they will run on platforms dealing with city issues, or they will

run on no platforms at all, for platforms are dead things after all, and receive only now and then a temporary galvanization from some great personality. In practical politics, lately discovered to be the most impractical kind, the campaign promise has come to be almost as cheap as the campaign cigar, and about as good.

This is, after all, a representative government; but only the trusts, the railroads, the street-car companies and other privileges have been represented in it. Now the people shall be represented, all the people—not any certain kind of people, the good, the bad, the rich, the poor, the “better element,” or any other class, but just the people, all of them, and that without having to pay or even to consult a boss, big or little. And they will secure this representation by doing away with the fetishism of partisanship and all its nonsense and extravagance—primaries, central committees, conventions with typewritten programs—they will nominate men by free petition, and then vote for them, that is all. To the crystalized mind of the stupefied partisan all this is heresy, of course, or idle dreaming; but all progress has its inception in heresy, and all realities are but dreams come true.

The principle of non-partisanship will demonstrate itself first in the cities, where the great problems of democracy more acutely present themselves and where they must and will be worked out. Yesterday the city was the despair of democracy and its shame; to-day it is its hope; to-morrow it will be its glory. Many have referred the evils that perplex them to democracy; the remedy proposed has been less democracy, and much of our legislation has been in distrust of democracy. But democracy has not yet been fully tried. The remedy will be found in more democracy. The cities must be free to handle their problems in their own way; their governments must become autonomous; there must no longer be confusion with state issues or with national issues. They must have, in short, home rule.

Democracy is still on trial in the cities, and it is still to be determined whether the people shall rule or be ruled; whether the people shall be supreme in the cities, or whether special privilege

and its political machines shall be supreme in the cities; whether the city is to control monopoly, or monopoly to control the city. For myself, I have not the slightest doubt that democracy will triumph and that the people will rule. There was enough in the elections this fall to confirm this faith. The people themselves more and more exclude and resent the influence of national parties and issues in municipal contests; they do this because they find it not only desirable and practical, but necessary, to do so, and in the last analysis the people always get what they want; they get it legally if they can, illegally if they must; they get it through the law, and if the law balks them, they get it in spite of the law, or rather, I should say, in spite of the statute, for their will is the law and statutes become law only when they express the will of the people.

The problems of city government are many and tremendous, and in order to settle them there will be required all the wisdom, all the power and all the patriotism that people are capable of. They must not be confused or bedeviled by national politics, and they will not be; they will not even be confused by state issues except where those issues are involved, as sometimes they must be, until our cities are free from the overlordship of the state. In many of the cities independent and non-partisan movements are springing up, even though the statutes are so contrived as to make them exceedingly difficult, even though their nominees are compelled to run against the regular candidates under a tremendous handicap and are subjected to all the annoyances and tricks that politicians know or can devise. More and more, even where the party names and party organizations are retained, issues are purely local and efforts to inject national policies are met with rebuke. National parties and issues are already excluded from municipal contests. The principle is established, and it now remains to make the statute conform to the law. And I hope and trust that the day is not far distant when municipal elections will be held everywhere in off years, that is, in years when there are no national elections; and when nominations will be made by petition or in some form of direct primary, and the names of the nominees printed on the ballots without reference to national

parties, without party tickets at all or party emblems. I do not claim that this is the whole of municipal reform, but I do claim that it is the first necessary step toward municipal reform, and that having this, cities can proceed to the solution of the grave problems that so long have vexed them. Under this system the opportunity of the political boss is gone; the public-service corporation has no party to corrupt and control; it soon will find itself without representatives in the city-hall, and in their stead there will be found representatives of the people, and then men can act as citizens of the city; they can settle city problems with reference to the city.

In these young American cities we want good government, of course. The people in them at heart already are good, and when they find a way to have a government that represents them, that government must be good. If our municipal governments have been bad, it is because they have been representing bad things. But we want something more than good government, something more than mere honest, economical administration of affairs and clean streets. We want cities that will be filled with free civic spirit, expressing itself in artistic forms; above all, cities that will be better, kindlier places to live in, cities that will offer to every man on equal terms the opportunity to live a beautiful life—that is, to realize his own personality. For that is the great purpose of democracy—to let every man realize his own personality. But to do this there must first be men who are determined to express their own personality and not to subvert it to the personality of others; independent men, who are in no kind of slavery to a party or any other agency or institution. When we have enough such men in our cities then we shall have simpler forms of government. We shall have a government that is responsible to the people, and when this condition prevails the problems of the cities will be soon those that belong to the next stage of evolution and to conditions that are hereafter to exist.



## Separation of Elections.

By THOMAS RAEBURN WHITE, Philadelphia,

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We hold it to be a fundamental truth that all governmental power resides in the people. This power, either by natural acquiescence on the one hand, or by usurpation on the other, or both, has been delegated to a particular class of the people known as the electors. The theory of a republic is that the electors shall determine how the government shall be constituted, shall select the men to carry it on, and shall dictate the policies they are to pursue. The first they do by adopting a constitution. The second and third they do by expressing their will once or twice a year, at a function which we call an election. This expression of the will is made by marking a piece of paper with certain names on it, and putting it in a box, or putting one in that somebody

### **Expression of the People's Will**

else has marked, or by pulling the handle of a voting machine or by some other similar device. But the act performed by the voter is of real significance, and the possibilities of a democratic form of government are realized to the extent, and only to the extent, that he performs that act with intelligence and discrimination. If he is inattentive or ignorant or venal in the doing of the thing, or if doing it intelligently and conscientiously he lacks the opportunity or ability to properly record and enforce his will, then to that extent democratic government fails and we fall into the evils of a good system gone wrong—a democracy which, through the slipping of a cog, becomes an aristocracy—an aristocracy of bosses and east-enders and tenth-warders and what not.

In the last analysis the efforts of reformers (of whom we count ourselves the chief) are directed mainly to one end—that of preventing just this sort of thing; that of securing the freest

expression of the people's will and preventing others from stealing their prerogatives.

To be a little more specific, the efforts of the reformer may be divided into two classes: (1) The education of the people so that they may reach sound conclusions; (2) the improvement of the laws so that, having reached these sound conclusions, they may have the fullest possible opportunity to express and enforce them.

But the efforts of the reformer in the second particular have gone beyond merely providing a means by which the intelligent voter *may* declare his will. They have brought **Efforts of** within the scope of their action the indifferent **Reformers** and ignorant voter, and endeavor to minimize the ill effects of his limitations. It is their purpose, therefore, to so arrange the laws that the voter *must* express his *individual* judgment on each point as to which a decision is needed, and so that, when expressing his individual judgment, he shall, so far as possible, have a single issue before him to decide.

When a citizen goes to the polling place for the purpose of casting his ballot he has two functions to perform: The first is to express his approval or disapproval of certain policies which have been formulated in a more or less nebulous manner by more or less compactly organized bodies of men, known as political parties. When he votes the Republican ticket or the Democratic ticket or the Municipal League ticket or the Prohibition ticket he is supposed to express his judgment for or against certain policies, and the persons who are elected on those tickets have a more or less clear conception in their minds of the policies which they are supposed to carry out, and they either do or do not carry them out. The second function which the voter has to perform is to exercise his judgment as to which of various candidates he favors for certain offices.

Frequently he gets his two functions so inextricably mixed that if you should ask him he would probably have no adequate conception as to what he had done in either case. Perhaps he has an idea that he wishes to vote the Republican ticket. He does so. He thereby expresses his preference for certain policies, which he may or may not know anything about, and puts his

mark of approval upon the selection of candidates, made by the party organization, whom it is more than likely he knows nothing at all about.

Reformers throughout the country generally are trying to correct this method of procedure by introducing a form of official ballot which compels each individual elector to mark each individual candidate. They are also endeavoring to assist the voter in a further particular, by separating the occasions when he is supposed to exercise his judgment as to policies from those upon which the only function which he ought to perform is to decide as between the various candidates.

There are certain elections at which it is probably necessary for the voters to express their opinions as to policies. I refer to the election of the President of the United States, Congressmen, and, to a lesser, extent, governors and general state officers. When we come down to municipal affairs, however, viewing it from the standpoint of the student, there is no excuse for commingling policies with the selection of men. The question at issue in the election of a mayor, common councilman or school director is simply honesty and efficiency. It has, therefore, come to be recognized by the students of municipal affairs that the best way to get an intelligent judgment on the question of the personnel of local officers is to eliminate all necessity for an expression of the voter with regard to policies. The first step in

### **Three Methods of Separating Elections**

this direction is to separate the municipal election from the state and national election. This has been recognized in a number of states as an important and proper thing to do. There are really three methods which have been tried. One, as in Massachusetts, to have the municipal election follow a month or so after the general election. Another, as in New York, to have a general election one year and a local election the next. And a third, as in Pennsylvania, where we have a municipal election over three months later than the general election. We shall expect to hear this evening from gentlemen who are here from various states as to their experience in this matter, and whether the separation of municipal elections from national and state elections has resulted favorably to the cause of reform.

Before hearing from them, perhaps I might say a word or two with respect to our experience in Pennsylvania. Prior to the Constitution of 1874 our general election was held on the second Tuesday of October, and our municipal elections, at which city, township and borough officers were elected, were held at different times throughout the State. In some counties they were held in the spring and in others they were held at the same time as the general election. Philadelphia had tried a spring election for two years, but as the regulars found it did not work well, they changed it back again so that Philadelphians had but one election for state and municipal offices, that held on the second Tuesday of October.

The convention of 1873, which was known as a reform convention, among other things determined to separate the state election from the municipal election, for reasons which are familiar to you all. The debate was long and more or less acrimonious, but the overwhelming sentiment of the convention was favorable to the change. Mr. Cuyler, of Philadelphia, admirably expressed the reasons for it:

**The Pennsyl-  
vania Method**

"I confess my surprise that there should be a lingering doubt existing in the minds of members of this convention as to the propriety of two elections, as to the desirability of separating the election for municipal officers from the election for federal and state officers. That much bad government and misrule has been perpetuated in the city which I have the honor to represent on this floor I think every impartial person, and every disinterested citizen of Philadelphia, will bear me witness.

"The specious argument that a federal or state election is at hand, that we cannot afford at such a time to depart from the rigid ties of party, that however much we may condemn individual nominees in any particular instance, we cannot afford to vote against them, because by so doing we shall imperil a great principle involved in the election of the federal or state ticket, has been used so often, so triumphantly, and so ruinously in the city of Philadelphia that no disinterested observer can for a moment doubt what the course of this convention ought to be."

The Philadelphia *Public Ledger* for Saturday, January 18, 1873, in the course of an editorial, said:

"While the subject of elections is before the Constitutional Convention, it is pertinent to say that there are two points concerning which the convention can do a great service to the city of Philadelphia, while doing exact justice to the rest of the Commonwealth. . . . The other is to separate the municipal elections from the general elections. So far as this city is concerned, the only material objection to this is the alleged extra expense of two elections instead of one. If we get rid of the aldermen and their canvassers, the two elections can be held for what it costs to hold one at present. But even if it should cost double, the increased expense would be insignificant compared with the saving by getting rid of the kind of men who manage to get into office now as bobtails to the party kites at general elections."

Since that time we have had our municipal election on the third Tuesday in February, at which city, borough and township officers are elected; county officers being still elected at the general election in November, at the same time as national and state officers. While I would not undertake to say that the change has not been productive of some good, it has not been at all successful in what it undertook to do. At the municipal elections which we have held in February in the city of Philadelphia the same old time-worn appeals to party loyalty have been made, and apparently with the same affect as at a general election. At the last election of mayor in Philadelphia in the present year it was argued that a vote against Reyburn was a vote against Roosevelt. The argument apparently had some weight, for Reyburn was elected by a good majority. There can be little doubt, however, that the principle of separation of municipal from state elections is a good one, and that while it may not have worked out entirely as was hoped, it has at least tended toward a correct result at elections.

With the development of the reformers' work along other lines, however, there has come to be a serious objection to having two elections in a single year. Formerly the citizen was only required to go to the polls at election time. Now he must go in Pennsylvania each year once to register and twice to the primaries, in addition to the two elections. This makes five trips to the polls, which, although it may not consume altogether more than four hours of the citizens' valuable time, is considered by



him entirely too grievous a burden to be borne. Moreover, the expense of an election has come to be a serious matter, particularly when it has to be met, as in the case of reform parties, by subscriptions of public-spirited citizens. The plan, therefore, recently adopted in New York has been inaugurated in Pennsylvania—that is, to abolish the winter election, but to so arrange the offices that the terms of the county and city officers will expire in odd years. A constitutional amendment was passed at the last session of the Legislature, which was drawn by your Secretary, Mr. Woodruff,<sup>1</sup> and met with the approval of the Committee of Seventy and other reform bodies. It provides, in brief, a system by which at the general election of one year the citizens shall vote for general state officers, and of the next year for city and county officers. This will, of course, do away with the winter primary and with one registration day. We shall hope to have this become a part of our Constitution in due course. The program states that at this conference we will give “special attention to the question of the necessity for the separation of national and municipal elections and the success of various experiments to effect this separation.” In connection with this I think we may also appropriately discuss the advisability of limiting the number of elections so far as is possible, consistent with our general purpose.

<sup>1</sup> In collaboration with Charles C. Binney, Esq., of the Philadelphia Bar.—EDITOR.

## Separation of Elections.

By **RICHARD L. GAY**, Boston,  
Secretary of the Election Law League of Massachusetts.

The question of the separation of state and municipal elections in Massachusetts might be disposed of by simply stating what is the fact, that they are now, and always have been, separate. A glance at the history of the legislation on this subject may, however, prove interesting.

The Constitution of Massachusetts as adopted in 1780 provided that the Governor and Senators should be elected in April, and that Representatives should be elected in May. As to Senators the words are, "and the Senators shall be chosen in the following manner, viz.: there shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties," etc. Since 1831, however, all state elections have been held in November. In that year the Constitution was amended by making the date for electing all these officials the second Monday in November. In 1855 the date was changed to the Tuesday after the first Monday in November.

Since 1785 the law has provided that town elections shall be held in February, March or April. It is interesting to note how tenaciously the towns held to their system of town government—the old New England town meeting—the "March meeting (for the larger number of town meetings were held then as now in March). Boston was settled in 1630 and remained a town 192 years (its population at its incorporation as a city was nearly 50,000); Charlestown remained a town 218 years, Roxbury 216 years, Cambridge 210 years, Salem 203 years.

The first city to be incorporated in Massachusetts was Boston, in 1822, followed by Salem and Lowell in 1836. The whole number of cities in the state is now thirty-three. Boston was the

first city to hold an election in December, changing from April in 1825, three years after its incorporation. In other cities, until about 1850, elections were held in March, presumably because as towns they had been accustomed to hold their annual town elections in that month.

When the city of Chelsea was incorporated in 1857 its charter provided that the city election should be held in December. Since that date the charter of every city has contained a similar provision.

The cities incorporated previously to that time, which had been holding their elections in March, had by 1860 all changed to December except Salem, which in 1855 changed to January; but in 1874 Salem changed to December. At present thirteen cities hold their elections on the first Tuesday in December, nineteen on the second Tuesday, and one on the third Tuesday. The date for holding these city elections is fixed by the Legislature in the acts of incorporation.

There is a provision in our statutes, passed in 1874, that "All elections in cities which by charter or statute are to be held on a Monday shall be held on the Tuesday next succeeding such Monday." This is the only general provision in the statutes relative to the dates of holding city elections. It is said that this act was passed to give time for printing ballots, which it was claimed were, or might be, printed on Sunday if elections were allowed on Mondays. As the present charter of every city provides that the annual election shall be held on a Tuesday, the statute has now, of course, no operative effect. I am unable to find that any municipal (town or city) election was ever held on the same day as a state election. Until 1831, it will be noted, state elections were held on two different days in each year.

The same amendment that changed the date of the state election to November also provided that the political year should commence on the first Wednesday in January and that the General Court or Legislature should assemble on that day instead of in May as formerly. The occasion of the change of dates of the city elections was evidently to bring them nearer the date of the assembling of the Legislature. It may be assumed that the cities saw an advantage in having their political and financial

year commence in January, with the elections correspondingly near thereto, and consequently had the date of their elections changed to December.

The reason why the separation of state and municipal elections was adopted so early in Massachusetts I cannot readily explain.

**Early Adoption  
of Policy**

It is not probable that the political conditions which now exist and are prompting the separating of elections in many states to-day were an operating force to that end in those early times. At least it seems improbable that it was because of evils experienced that our fathers determined to keep state and municipal elections apart; it may have been that they perceived the possibility for harm in combining the two, and, with the remarkable wisdom which they exhibited in dealing with many other matters, determined to provide against it.

So far, therefore, as the separation of state and national affairs from municipal affairs is promoted by the separation of elections for state and national officers and for municipal officers, in Massachusetts the question is not one of obtaining the latter separation but of maintaining it. After an experience with separate elections for over a hundred and twenty-five years, there is little or no public sentiment in the Commonwealth that I can discover in favor of holding them together. Twice within the last few years bills providing for holding all elections on one day have been presented to the Legislature. The first time only the petitioner appeared, at the hearing before the committee to which the bill was referred, to advocate its passage, and the second year not even the petitioner appeared. In both cases the committee unanimously reported leave to withdraw.

Such, then, being the situation in Massachusetts, it becomes interesting to observe how far the evils which separate elections are designed to mitigate still exist. If they are still encountered it must be either because of the degree of proximity of the two elections or because of other causes not directly related to the question of separate elections.

For the purpose of getting the views of those whose experience and opportunities for observation make their opinion on this subject of value, I recently sent to a number of officials and

chairmen of political parties in different cities in the State a series of questions, which with the results are here given.

My first question was whether the present Massachusetts system of holding city elections so soon after the state election is productive of the best results.

Some of the replies received were as follows: "I do not believe we get the best results by having the city elections so soon after the state elections." "I believe it is unfortunate that the state and city elections come so close together." "With the caucuses necessarily required there is created a feeling of indifference among the voters, who ascribe the recurrence as a part of the political machine. This, in my opinion, has a tendency to affect the interest that should be manifested by the citizens in the city election." "I do not think it a good plan." Some simply replied "No."

**Is Massachusetts System Productive of Best Results**

On the other side were these replies: "The state election does not materially affect the city election." "Does not work any ill effects with us." "Believe the present time of holding city elections is calculated to produce the best results." "Is satisfactory as it now stands, and therefore we have no reason to ask for a change."

My second question was: As now held, does the system tend to bring about trading between candidates for state offices and candidates for city offices, with undesirable complications? A party committee chairman in a large city says: "We know of no trading between state and municipal candidates." Several simply "No." "Election deals not so likely with the days separated as they would be if the state and city elections were on same day." "I do not think that any such thing obtains in our city." "I do not think there is much trading in our city."

Opposite views: "Though I have no direct evidence, I believe the present times of holding elections has a tendency to bring about trading between candidates for state offices and candidates for city offices." "I think there is a great amount of trading." "I firmly believe that the present system of holding city elections immediately following state elections tends to bring about trades." "Greater tendency to bring about trading, etc., than



there would be if there was a longer period between elections." "I have seen this done quite a number of times and I do not think it is for the best interests of the state or of the city." Others simply "Yes."

My third question was: Would it be better if city elections were held in the spring, as town elections are? Replies: "See nothing to be gained by holding city elections in the spring." "I think the city elections should be held in December, thereby giving the new city councils opportunity to make themselves familiar with their work and the needs of the city before the spring opens." "If city elections were held in the spring there would be two periods covering a larger part of the year when the unrest and disquietude consequent upon the caucuses and elections would prevail." "Don't see any advantage." "I do not think so; municipal and financial years should be the same, running from January 1st to December 31st."

Opposite views: "Have always favored a law to make city elections come in the springtime; this to prevent trading." Two or three "Yes." "Were I to fix a month for holding city elections would name April. The elections in towns are usually held in March, when the weather is often unsettled and the roads in bad condition, which in our city, which covers a large territory, would mean a light vote." "Think it would be better if city elections were further removed from the state."

My last question was: Is it desirable to hold state and city elections on the same day? Replies: "No." "Not desirable, impracticable, and would bring about confusion and would complicate matters too much." "Too much of a task to try to hold city and state elections simultaneously." "The only advantage the expense." "Not advisable." "Not feasible." "Not desirable." "Financially it would be better to hold these expensive elections on the same day; politically not."

Opposite opinion: "It would save the cities and towns considerable expense, and also it would give the candidates for the state and the city an opportunity of doing their campaigning at the same time, and also it would stop the trading of votes to a great extent. Also at both the state and the city elections there is

always an uneasiness that prevails not only among the candidates, but among the citizens, and if both the elections came at the same time there would be less of this uneasiness than there is under the present system. I certainly favor both elections at one time." "The only desirable effect would be the effort in the city to get out a large vote."

The following extracts from letters answer questions more in detail: "Feel that it is unadvisable to hold a city election so soon following a state election owing to the trading of candidates for state and city elections; and to hold both elections at the same date would make the situation worse." "If it were the simple question of the best time to hold the city election as affected by the matters mentioned in your letter, I should say it would be an excellent thing to hold the city election in the spring, but it is not that simple question. The cities of the Commonwealth are accustomed to do their business with a financial year beginning in January or February. It is a convenient time, working well in practice, to begin the financial year. Considering questions of annual appropriations, taxation and so forth, it would be difficult to change the financial year. It would also be difficult to manage questions of finance if the city elections were held in the spring, because officers elected would have to execute, in part at least, financial plans made by others for which they would not be responsible. Disadvantages of this sort appear to me to make doubtful the expediency of trying to have city elections in the spring." "I think it very undesirable to hold state and city elections on the same day. Discussion of questions involved in the one should be as independent as possible of the questions involved in the other. Each set of questions should be decided by the voters uninfluenced as far as possible by the other." "My personal opinion is that the Governor and state officers should be elected for two years and that the elections should be held alternately—that is to say, elect state officers one year and city and town the following year. I do not think it wise to elect for a term of one year or conducive to good government." "I believe it would not be better to have the city elections in the spring, for that would be too far removed from time of state elections. I feel that some time ought to elapse between city and state elec-

tions, for best political results, but I think that that time should not be too long a time. The people are awakened politically by the state campaigns and are interested in issues and in candidates. I believe that the people should not be subjected to the distractions of political campaigning more than is necessary to a proper understanding of principles affected. The interest and mental attention awakened by the state campaign carries over to the city elections. It would die down and have to be reawakened if the city election were too far removed from the state election." "It would be very inconvenient for a new government to make up its budget and start work for the year if the elections were held at any other time. The winter is a bad time for any election, and early spring is certainly a bad time. This leaves the choice between summer and autumn or early winter, with the advantage in favor of the latter."

From these replies it would appear that the results in the different cities have not been uniform, indicating other causes than the joining or proximity of elections at work to produce the evils complained of. Party organization is generally to be found based upon lines determined by national questions, and in those municipalities where a strong partisan spirit in national affairs is manifested and organized party activity is great, municipal affairs are likely to be subordinated to considerations of state and national importance, and trades are likely to be made for advantages in those contests to the detriment of municipal interests. This is more likely to be the case in cities than in towns, because of the delegation of the management of city government and affairs to a representative few, the selection of whom is a necessary preliminary step before any of the ultimate acts of government can be performed. This offers ground for organized party activity along lines not directly connected with any particular measure, and therefore does not strongly prompt organization along special lines distinct from those relating to national issues. The convenience of using party organization as already existing, which will be that formed on lines determined by national and state issues, in the absence of any strongly operating reason for party organization on special lines, tends to prevent the formation of parties on purely municipal issues in cities.

**Lack of Uniformity in Experience**

In towns this is not so much the case. The whole body of voters in towns are more directly connected with the management of town affairs. Each voter has the opportunity to deal directly with many questions of town policy and action, and he is less likely to allow his vote in town matters to be determined on party lines drawn with no particular regard to town interests.

Particularly is this true of the town of Brookline under its present unique system of town government. The town of Brookline has 25,000 inhabitants and over 4,000 voters, and has only one polling place. The warrant for the annual meeting is sent to every voter in the town. Under each article is given full information and explanation of its intent. When the meeting is held, after the election of officers, this warrant is referred to a committee consisting of the moderator as chairman, the town clerk as secretary, the selectmen, and thirty other citizens selected without regard to party affiliations by the moderator, "to consider and report upon in print, with appropriate form of votes, at the adjournment of this meeting." This committee may recommend any changes in the annual appropriations as recommended by the selectmen and other town officers and committees, with their reasons therefor, and their report is printed and distributed to the voters as the warrants for town meetings are distributed. This prepares the voter to act understandingly at the adjourned meeting, where each article of the warrant is then taken up, discussed, and voted upon in the manner usual in town meetings. Lest any voter should be deprived of his rights to participate by being crowded out of the town hall, it is provided by law that a check-list shall be used at the door and none but registered voters admitted to the meeting, that a record shall be made of the number present, and that any vote or votes passed at a meeting at which 700 or more legal voters have been admitted shall, upon petition of 100 voters filed with the selectmen within five days of the adjournment of the meeting, be submitted to the voters of the town at large for ratification by ballot at a meeting called for the sole purpose of submitting said vote or votes. Any vote or votes so submitted for ratification receiving a majority of the votes cast thereon shall be considered to be ratified, otherwise to have no force or effect.

# Outline of a Model System of State and Local Taxation.

By **LAWSON PURDY**,  
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Systems of taxation are not made to order, but grow out of the history and environment of the people. Changes are generally the result of new habits of life, new methods of business, new forms of property and general modifications of environment. Any consideration of a model tax law adapted to all the states must be governed by the fact that no two states have precisely the same history or law or conditions. All that can properly be attempted is such an outline as may readily be adaptable to the conditions in any state. In the following outline every state will find something already in force, and the elastic character of the system proposed allows easy modification and change, as conditions and habits of thought may change.

It is beyond the bounds of possibility that the wisdom of the present shall suffice for succeeding generations. One of the best features any tax system can have is susceptibility to easy modification, and one of the worst is a condition of crystallization.

The constitutions of the older states, as originally adopted, contained few provisions in regard to taxation. The constitution of the State of New York was absolutely silent on the subject until 1901, when an amendment was adopted prohibiting exemption of real or personal property by private or local bill. The constitutions of Massachusetts, Connecticut and Pennsylvania contain almost nothing to limit the power of the legislature. All of these states have profited by this freedom from constitutional restraint.



The Federal Constitution prohibits discrimination between subjects of the same class and between residents and non-residents; it prohibits interference with inter-state commerce. These constitutional guarantees afford ample protection to the citizen. Further restraints upon the power of the legislature are efforts to impose the will of a living generation upon all those that are to come.

The constitution of Ohio provides that "Laws shall be passed taxing by a uniform rule all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also all real and personal property according to its true value in money." The evils of such restraints have become very apparent in all states, which, like Ohio and others of the West, have legislated by constitution. These evils will grow worse and worse as the conditions of modern civilization become still more complex. Minnesota has amended its constitution, and Washington and Missouri have amendments pending. The constitution of the new state of Oklahoma will restrain the Legislature no more than that of Minnesota. The constitution of Minnesota was amended to provide that "The power of taxation shall never be surrendered, suspended, or contracted away. Taxes shall be uniform upon the same class of subjects, and shall be levied and collected for public purposes." The same amendment is pending in the State of Washington. This is vastly better than the former restrictions, but needs the following modification: "Within the territorial limits of the authority levying the tax," which should be added so that the sentence may read: "Taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax."

To legislate by constitution is to legislate for the benefit of courts and lawyers and against the interests of the people. The constitution should furnish a skeleton of government and not a code of laws.

Until about twenty-five years ago, the main reliance for state revenue was upon the general property tax. Property was assessed locally by local assessors and a tax imposed on such assessments for state and county purposes, as well as for city or town and other local purposes. Many years ago it was apparent

that this was a bad plan, because local assessors were induced to make low assessments in order to save their own localities from paying a proper share of revenue to the state. To remedy this evil boards of equalization were established, which were supposed to supervise the work of local assessors and to equalize and bring to a common level the assessments in every county, so that each county should contribute its proper quota to state expenses. The conditions are such that no state board can perform this duty accurately, and their work has always been severely criticised, sometimes justly, as directed by political and personal considerations.

It is inevitable that so long as the state relies upon a tax upon property as assessed by local officials, they will be influenced by the fact that their work affects the contribution of their own districts to larger political divisions. The competition between local assessors to cut down the burden of state taxes results in assessments contrary to law at a small percentage of the true value of property, and inequalities in local assessments are sure to follow. When assessments are made at a percentage of full value, gross inequalities may exist without being apparent. If, for example, the average assessment is only one-half of full value, some property may be assessed at only twenty-five per cent. of what it is worth without attracting much notice, and other property may be assessed at seventy-five per cent. of the sum for which it would sell without the injustice attracting the attention even of the owner. If every assessment in such a place were doubled, some property would be assessed at a great deal more than its selling value, and the injustice and inequality would immediately appear. Assessment, as the law directs, at the full value of property is absolutely essential to secure local equality.

From every point of view good government requires the divorce of state from local taxation.

For the last thirty years economists and state administrators have seen the necessity for some form of divorce of state and local taxation, and have attempted to separate the sources of revenue by providing for the needs of the state by special taxes on selected subjects laid at unvarying rates. In a few states this

effort has been so far successful that the state is wholly supported by such special taxes. Everywhere, however, evils have appeared as a result of this policy. This system admits of no elasticity. Sometimes the state revenue is excessive, when extravagance is inevitable, and sometimes it is insufficient, and the state is forced to borrow or curtail legitimate expenditures. The lack of elasticity, moreover, deprives the people of the state of any direct concern with the management of the state expenditure. Every owner of taxable property should feel a direct concern with state affairs. Extravagance of state officials, or of the legislature, should come home to him immediately in the increase of his tax payments. To supply the state with money by means of special taxes levied at unvarying rates does not solve the problem. Some such taxes may properly be levied, but there should always be a margin to be levied so that the amount necessary will vitally interest every taxpayer.

A method of raising so much state revenue as may be required in excess of that produced by special taxes is already in operation in the State of Oregon, and has been advocated in the State of New York by such responsible bodies as the New York Tax Reform Association and the Chamber of Commerce. By this plan so much state revenue as may be required is apportioned to the several counties in proportion to the actual local revenue raised for all purposes in each county. A state board is charged with the duty of obtaining reports from every taxing district in the state, showing the amount of its revenue. Each county is required to pay to the state that proportion of the total sum to be raised which its local revenue is of the total local revenue throughout the state. If the local revenue raised by any county and all the taxing districts within it is one-tenth of the total local revenue, that county would pay one-tenth of the state tax.

The statistics compiled to carry out this plan of apportionment would be exceedingly valuable in themselves. The taxpayers in every county would have an interest in keeping down their local expenditures, but as those local expenditures would be very much more than the sum they would be required to pay to the

**Exclusive Reliance upon Special Taxes Objectionable**

**Apportionment on the Basis of Local Revenue**

state, this inducement would not operate so strongly as to lead them to curtail proper expenditures for local purposes. Every taxpayer would get a bill annually showing the quota of his county to the state and the quota of the preceding year. If the amount increased, his attention would immediately be called to it, and he would inquire whether the state's expenditures had increased, or the expenditures of his own town had increased so as to increase the town's share. Every taxpayer would thus be interested in state affairs, would resist the undue extension of state functions and extravagance in conducting the business of the state. By apportioning the state burden in this manner local assessments would no longer have any influence whatever in determining the amount of state taxes any community would pay. It would be practicable, and probably desirable, to provide county revenues by apportionment among the smaller political divisions of the county, such as towns and cities. In this way all questions of county equalization, which are frequently as troublesome as state equalization, would be avoided.

The selection of proper subjects for state taxation must be governed by the history and present conditions of each state.

**Subjects of State Taxation** Revenue is now derived by some states under laws which are not by any means perfect, but which have been in existence so long that it would be undesirable to change them at present. In some cases the state should perform the work of assessment; and whether it should retain the revenue or distribute it to the cities and towns is a question which must also be solved in view of the existing conditions in the state.

The following subjects, if taxed at all, will generally be found suitable for state revenue: Inheritances, mortgages, insurance, business corporations, mineral rights, and public-service corporations.

A tax imposed on the transfer of property at death, commonly called an inheritance tax, is becoming a common source of state revenue, and is employed by many foreign countries. There are, therefore, a large number of precedents in the form of laws, which have been in existence for a number of years, and which have been construed by the courts.

#### **Inheritances**

It is a tax which, if imposed at all, must be imposed at unvarying rates, and the proceeds must go to the state, for the complications which would arise from an attempt to enforce the tax locally would be almost insuperable. There are certain principles which should govern the drafting of an inheritance tax law—principles which are frequently disregarded.

An inheritance tax law should not offend against interstate comity; that is, the laws of all the states should be so framed that the transfer of property at death should be taxed by no more than one state. The law of New York is one of the chief sinners against this principle, as it provides for the taxation of certain forms of intangible property, even though the decedent owner was a resident of another state. The law also provides for a tax on the transfer of real property, or tangible personal property, situated outside of the state when the owner is a resident.

The tax should be imposed on the transfer of all tangible property having an actual situs within the state, and on intangible property owned by a resident decedent. If all states pursued this policy the transfer of all property owned by a decedent would be taxed once by some state, but no property would be taxed twice.

Under the laws of the States of New York and Connecticut, when a resident of Connecticut dies, owning real property in the State of New York and stock in a New York corporation, Connecticut taxes the transfer of all the property because owned by a resident of Connecticut; New York taxes the real property because it is located in New York, and taxes the transfers of the certificates of stock because the physical act of transfer takes place in the State of New York. By the simple expedient of taxing property capable of an independent situs only where it is situated, and taxing the transfer of intangible property only at the owner's domicile, the principles of inter-state comity will fully be preserved.

It is customary, on the ground of humanity and for practical reasons, to exempt some amount from the imposition of an inheritance tax. This amount should be determined with reference to the entire estate. If the entire estate is less than the sum that is exempt, there will be no tax at all. On the other hand, if the



tax is graduated, the graduation should be with reference to the individual bequests and not to the body of the estate, as this policy will tend to the distribution of large estates equally among the natural beneficiaries rather than to concentration of the bequests in the hands of one or a few of the natural subjects of the decedent's bounty.

To sum up the case, an inheritance tax law should be so devised that — first, it shall not offend against interstate comity, and the transfer of the property of the decedent should be taxed by no more than one state; second, an exemption of a certain sum should be made with reference to the whole body of the estate; third, graduation, if any, should be with reference to the several bequests and not to the body of the estate.

For many reasons it is undesirable to tax mortgages at all, but as they are publicly recorded, it is easy to impose a small tax on every mortgage at the time of record. Such a tax cannot by any possibility be escaped, and it has, therefore, the great merit of effectiveness. The existing law in New York affords a good model for a mortgage tax, if it must be imposed. Such a law should provide that mortgages recorded on or after a certain day shall pay a tax at the time of record and shall thereafter be exempt from taxation, and that all mortgages recorded prior to that day may be registered upon payment of a like tax, and thereafter be exempt from taxation. It is desirable, also, that the registration provisions should be extended to mortgages recorded in other states and to bonds secured by such mortgages, unless these evidences of debt are entirely exempted.

The local taxation of mortgages at the local tax rate is most reprehensible. It is invariably unequal because all mortgages cannot be reached and taxed, some being held by non-residents. The natural economic effect of a tax cannot, therefore, have full play, and those persons whose mortgages are taxed will practically suffer confiscation. At the same time such a tax, rigorously enforced, imposes part of the burden upon all borrowers, by an increase in the interest rate, even though some mortgages are not taxed at all.

Broadly speaking, insurance is for two purposes: one to pro-

vide against liability to accident or death, and to care for dependent relatives in the event of the death of him who provides for the family; and second, to insure property against hazard of fire and damage of various kinds, or to insure business enterprise against hazards of almost every description.

Insurance, then, is designed to relieve the state from the support of dependents and to keep in being property or business enterprises which contribute, in one way or another, to the support of the government. It is, therefore, generally far from a fit subject on which to impose any material part of governmental support. While it is true that insurance companies of various kinds make large profits, it is also true that any tax equally imposed on any form of insurance will ultimately be shifted to the insured by an increase in premium rates.

No tax on the business of insurance can be justified, but a tax imposed only on the surplus funds withheld from distribution would be open to less objection than a tax which would directly increase the amount of the premium charged.

Real property belonging to an insurance corporation should be assessed and taxed for local purposes only. If any tax for state purposes should be imposed, in the form of a percentage of premiums earned on contracts made within the state, the tax should be the same in form on the premiums for all kinds of insurance, whether the contracts are made by foreign or domestic corporations or individuals. All reciprocal legislation, which is really in its nature retaliatory, should be avoided; it savors of war between the states, and introduces a feature of contention injurious to the state and very adverse to the proper business of insurance.

If a state tax is levied on premiums the personal property of insurance corporations should be exempt from local taxation.

In almost every state there is some provision for a tax on business corporations for state purposes in addition to the local taxation of their real and personal property.

**Business Corporations** Some states, as New Jersey, impose this tax solely upon corporations of their own creation for the privilege of incorporating under their laws. Other states,

as New York, impose a tax alike on foreign and domestic corporations in proportion to the part of their capital invested in the state.

There seems no good reason for imposing any taxes on business corporations in excess of the taxes imposed on individuals doing the same class of business. If the opportunity to incorporate is open to every one for the payment of a small fee, there is no special privilege involved, and all are equally at liberty to avail themselves of the continuous existence and freedom from personal liability obtained by corporate organization. The invention of the corporation provides conveniently for the coöperation of many people in an enterprise, all of whom cannot participate in the management. Doing business in corporate form is becoming a necessity of modern conditions, and there is no excuse for penalizing an efficient instrument.

All corporations, domestic and foreign, may properly be required to pay a small license fee to meet the cost of administration incident to their proper registry.

Mineral rights are a proper subject for state taxation, because their value does not depend upon local expenditure, or the value of local government or on the extent of local population. Deposits of coal, iron and other minerals owe their value to the demand for their use by the country as a whole. If mineral rights are taxed only for local purposes, the tax will be inadequate to induce their best use, and the locality in which they are situated will contribute too small a proportion of the state's revenue. If the state relies for part of its revenue on a tax apportioned in proportion to local revenue, towns in which there are valuable mineral rights will not contribute their share unless such mineral rights are taxed directly by the state for state purposes.

Ordinarily a state tax on mineral rights should not be imposed upon the site value of the land, because the surface can be used for agriculture or other purpose while mining is going on beneath the surface. In some cases the deposits of ore are so close to the surface that the operation of mining the ore is like quarrying stone. In this case it might not be possible to allow the local community to tax the site at all, and provision might be made

for a division of the proceeds of a tax on the mineral rights. With the exception of such mines as are practically quarries, the tax for state purposes could be imposed on the mineral rights alone, and the local tax districts could be allowed to tax the surface for local purposes.

Such a tax on mineral rights should be imposed whenever possible upon the capital value, excluding the value of the surface. If for any reason this is not practicable, the tax can be imposed in the form of a royalty.

The real estate of public-service corporations not used in the operation of the service should be taxable locally for local purposes. Any tax in addition to the local tax should be assessed by a state authority by mathematical rules, so that the necessity for judgment on the part of assessors shall be eliminated.

Public-service corporations should be so dealt with as to secure the best service at the lowest cost to users, and the plan of taxation should be so devised that it may be easy to reduce taxes as the charges for service are reduced. When the accounts of public-service corporations are kept as public accounts, and their net earnings are limited by the reduction of charges to a reasonable return upon the actual capital invested, any tax will be a tax upon the users of the service. So long as charges for service are unlimited by law, or charges are permitted greatly in excess of the cost of rendering the service, the power of taxation may properly be used to recover for the public part of the monopoly value due to the liberality of the franchise.

In most of the American states the taxation of railroads and other public-service corporations had its beginning in the general property tax. This was soon found defective, and in some states has been abandoned altogether, in others supplemented by new forms of taxation, while in a few states at least railroads were never subjected to the general property tax, but were taxed from the beginning by special systems devised for the purpose.

In 1878 the convention of state railroad commissioners appointed a special committee, consisting of Charles Francis Adams of Massachusetts, W. B. Williams of Michigan and J. H. Oberly of Illinois, to examine and report as to the methods of taxation

as respects railroads and railroad securities then in vogue in the various states of the Union, as well as in the various countries, and to report a plan for an equitable and uniform system for such taxation. These commissioners issued a circular and interrogatories in relation to the matter, which was sent to all the state executives, to a large number of railroad corporations and to a number of foreign countries. The replies are printed in full as part of the report of the committee, and a compendium of the systems in use in all the states of the Union was prepared. In their report the committee said: "The conclusions reached by the committee as a result of their investigations can be very briefly stated. The requisites of a correct system of railroad, as of other taxation, are that it should, so far as it is possible, be simple, fixed, proportionate, easily ascertainable and susceptible of ready levy. \* \* \* The conclusion at which your committee arrived was that all the requisites of a sound system were found in taxes on real property and on gross receipts, and in no others." The committee proposed that the real estate outside of the right of way should be locally assessed exactly in the same way as other real estate. Beyond that a certain fixed percentage should be assessed on the entire earnings of the corporation, and this should be in lieu of all forms of taxation upon the property of the corporation and upon its securities. The entire burden should be imposed in one lump on the corporation and levied directly. The committee proposed that when a railroad is only in part in one state the tax should be apportioned in proportion to mileage.

The committee discussed various forms of taxation and condemned the law of Massachusetts as it then was, adding: "Clumsy and devoid of scientific merit, as it unquestionably is, however, the Massachusetts system would seem to be preferable to that still in use in New York, concerning which the state assessors, in their annual report for 1873, expressed the opinion that under it there was 'no uniform rule for any road in any county, each assessor being governed entirely by his own views.' In certain towns the railroads appear to pay about one-third of the entire taxes, while the assessed valuation in 1878 varied from



\$400 per mile to \$100 per rod. The 'difference in the assessment of New York Central and Hudson River road, where for all purposes that the road can be used it is of the same value to the company, is \$24,000 per mile. In short, it is scarcely an exaggeration to say that the assessments are as unlike as the complexion, temperament and disposition of the assessors.' It does not need to be pointed out that a system such as this—and it is the system in most general use—compels the corporations in self-defense to an active participation in local politics. Indeed, it is not too much to say that as a system it is open to almost every conceivable objection."

The New York system, which is so severely condemned, remains unchanged to this day, though supplemented by other taxes. One railroad in the State of New York, which has by no means the largest mileage, pays more than 1,900 separate tax bills every year, and all the railroads have constant trouble with local assessments and are obliged to keep track of an enormous number. This is an obvious waste of effort and source of demoralization.

Professor Edwin R. A. Seligman, in his work on "The Taxation of Corporations," speaks of the inadequacy and practical failure of the general property tax. He speaks of the general

**Gross Earnings Tax Unjust** property tax as applied to railroads and other public-service corporations as primitive, unequal, and as furnishing an incentive to dishonesty.

The only system now in use in any American state which he commends is that employed in Connecticut, that is, measuring the tax by the market value of the stock plus the indebtedness in the proportion that the mileage in the state bears to the total mileage, the assessment, of course, being made by one single board. Professor Seligman makes a very strong and, I think, conclusive argument against the gross-earnings tax as economically unsound and legally invalid. He speaks of the report of the Railroad Tax Commission, from which I have already quoted, with much respect, but says of the gross-earnings tax which they recommend, that while it possesses many undeniable advantages, it has a fatal defect. "It is not proportional to the real earning capacity, it takes no account of cost, nor does it pay regard to the expenses which may be necessary and just. \* \* \* Of two

corporations which have equally large receipts, one may be in a naturally disadvantageous position which increases unduly the cost of operation or management. Clearly its ability to pay is less than that of the rival company in possession of natural advantages." Mr. Seligman argues in favor of a net-receipts tax, but recognizes that there are certain dangers connected with this plan.

I think that all the objections that can be raised against the net-receipts tax can be obviated by imposing the tax in a similar

**A New Method  
Proposed for  
the Taxation of  
Public-Service  
Corporations**

manner to the United States internal revenue law of 1864. The tax was imposed on all dividends and all interest. In framing such a law for the use of any state it would be necessary to use all dividends and interest simply as a measure of the tax. The tax could not be imposed directly upon the dividends and the interest, or we should meet the same difficulty as that experienced by Pennsylvania in its attempt to tax foreign-held bonds. This difficulty is overcome by using the dividends and interest on indebtedness simply as the measure of the tax upon the corporate property within the state. For the purpose of illustration I have made a computation from the data contained in the report of the New York Railroad Commission, and I find that the total taxes of all kinds paid in all states by the steam surface railroads reporting to the railroad commission in the State of New York amount to slightly less than 15 per cent. of the total disbursements of these roads on account of interest and dividends. When the property of a railroad or other public-service corporation is situated in more than one state, the tax must be apportioned on the mileage basis now in common use.

If the tax on dividends and interest were exclusive, it might be objected that if there were no dividends and interest there would be no tax at all. To obviate this objection it would be proper to impose a very small tax on gross earnings, not exceeding, for example, two per cent. So long as the tax on gross earnings exceeded the tax on dividends and interest, the latter should be omitted, and as soon as the tax on dividends and interest exceeded the gross-earnings tax, the tax on gross earnings should be discontinued.

In the case of a public service of an inter-state character, the tax on gross earnings can only be imposed upon the earnings arising from business done within the state.

Let us briefly consider some of the advantages of this manner of taxing all public-service corporations.

If the tax on all the corporate property is measured by the dividends and interest paid, the corporation has only one assessing board to deal with, and that assessing board has purely ministerial functions to perform. It ascertains the amount of interest and dividends paid, a matter which cannot be concealed, and performs a simple sum in multiplication. The corporation knows exactly what tax it will be obliged to pay; it has no interest in the personnel of the board that does the assessing, because no dispute can arise as to the amount of the tax.

When a new corporation starts, its tax will be light. If it earns neither interest nor dividends, it will pay only the small tax on gross earnings, and the tax should be small, because it is rendering a public service at cost. If it earns interest and dividends for those who contributed the capital, in proportion as it pays them it must pay taxes to the state. In prosperous years its tax will rise and in lean years it will fall automatically.

It may be objected that if a railroad or other public-service corporation becomes bankrupt the tax will be very small, but this is an advantage, not a disadvantage; for it is to the public interest that a corporation in such condition should be rehabilitated as soon as possible, and the automatic reduction of taxation will operate to that end. As soon as it earns enough to pay investors the tax will increase. It may be objected that a corporation could refrain from paying dividends and accumulate a large surplus. This, again, is rather an advantage than an objection, for in the long run its accumulated surplus will enable it to perform better service, pay larger dividends, and in consequence heavier taxes.

From every point of view, and in accordance with the testimony of all experienced observers with whose writings I am familiar, it is clear that all public-service corporations should be taxed as a unit, and it seems self-evident that discretion on the part of assessors should, if possible, be eliminated. I have sug-

gested a method already tried and found effective by which the assessment can be made without judicial discretion.

The proper disposition of taxes imposed on public-service corporations remains for consideration, and to a great extent the answer must conform to the conditions now existing in each state. In some states the major part of taxes on some or all of the public-service corporations is retained by the state; in others, state revenue from this source is small. As a general principle it is wise for the state to retain a large part of the taxes on public-service corporations which own their own right of way, and to distribute to the localities in which the public service is performed the taxes on those corporations which use the streets and public places. The street-using corporations owe the value of their property to the extent and character of the population and government of the communities in which the service is rendered. The cost of their protection is mainly a local charge. The distribution of the taxes paid by such corporations is a comparatively simple matter, because they frequently own property in no more than one taxing district.

The case of steam railroads is very different. The value of their property very largely depends upon terminals, and it is impossible to assign a definite portion of the value of their property as a whole to any particular section. Communities without a single mile of railroad track contribute largely to the value of the corporation's property, and no local distribution of the taxes can compensate such communities. It seems, therefore, that the state may properly retain a large part of the revenue from railroads and other public-service corporations which make little use of streets and public places, so that all the communities in the state may share in the revenue.

When taxes on public-service corporations are distributed to the localities in which the service is rendered, a fair and practical measure of the distribution is to apportion the tax in proportion to the length of the railroad track, or the pipes, wires or the like in each tax district. In the case of steam railroads, the apportionment should be based on the total length of tracks, including branches, sidings and switches, so that terminals and large cities may receive a fair proportion. Even on this basis rural districts will be somewhat favored.



It must not be forgotten that a considerable part of state revenue should be apportioned to the local tax districts in proportion to local revenue and raised by direct taxation. It is not only unnecessary, but very undesirable to obtain all state revenue from the special taxes imposed on subjects of state taxation.

The legislature must at every session be obliged to fix an amount of money to be raised locally by direct taxation. This is essential that the people may control the legislature, restrain extravagance and limit the extension of state functions.

If the power of the state to tax is limited to the subjects previously described, all other subjects will be left to the jurisdiction of the local authorities. The following subjects are generally taxable locally: Licenses imposed pursuant to the police power; business licenses, if any; banks and trust companies; personal property not taxed by the state; real estate; revenue from public-service corporations.

The most important source of revenue from licenses is from the licenses for the sale of liquor. It would be beyond the scope of this paper to make suggestions in regard to the amount of such licenses, but it seems obvious that whatever the amount may be, it should be retained by the local community. It is common for local communities to have the power to prohibit the sale of liquor altogether, and it is certainly unfair that a community in which no revenue is derived at all from the sale of liquor should share in the receipts obtained in other communities. If the state takes any part of such receipts and expends them for general state purposes every community in the state receives the benefit of a fund to which some communities do not contribute.

Certain businesses may properly be licensed for purposes of police regulation, but business licenses should not be imposed for revenue. If they are so imposed, the local communities should retain the proceeds, for it is the local communities that protect the property and render the business profitable.



The power of the state to tax banks being limited by federal statute, the field of discussion is narrowed. National banks cannot be taxed at a greater rate than other moneyed capital, and it seems only proper that the taxation of other moneyed capital should not be at a greater rate than the taxation of national banks, and, so far as practicable, should be identical in manner as well as rate. The decisions of the courts as to what is moneyed capital have placed trust companies in the same class as banks and have excluded almost every other corporation. For practical purposes, then, we can consider banks and trust companies as members of the same class, and the only members of that class.

In the experience of New York and other states a law requiring the assessment of bank shares at market value is very unequally enforced. When the rate of taxation is the same as the ordinary local rate there is a very great difference between both the rate of taxation and the assessment of banks located in different towns, but otherwise similarly situated.

It is unfair and improper that any person or corporation as a stockholder of a bank should receive a bonus by special exemption, or by deducting indebtedness from the value of all shares owned. Any tax should be on the book value of all shares alike and should be paid by the bank. Under these circumstances a much lower rate than the average local rate will generally yield as much revenue as the usual form of assessment on market value and taxation at the local tax rate. In New York the rate of taxation on banks and trust companies is one per cent. of capital, surplus and undivided profits, without any exemptions and without deducting the local tax on real estate. If the local tax on real estate is not deducted the real estate is twice taxed, but this is not unfair in view of the low rate of the tax on the book value. It simplifies the method of taxation and tends to restrict the acquirement of an unnecessary amount of real estate by banks and trust companies.

In order that a trust company may be taxed on its entire book value without the deduction of exempt securities, such as United States bonds, the tax cannot be in form a tax on property, but must in form be a tax on the franchise to do a trust company

business. The New York law furnishes a proper precedent except that the revenue should go to the local community and not to the state.

In some states the revenue derived from the tax on bank shares is distributed to the places in which the stockholders reside, a method of distribution which has not a particle of justification. As the bank is protected by the community in which the bank is situated, and its prosperity is chiefly due to the members of that community, to distribute the revenue to places far removed from the bank is grossly unjust to the community in which the bank is situated.

Financial institutions are sometimes regarded as especially fit subjects for taxation, but it should not be forgotten that any tax imposed uniformly on banks and trust companies will be shifted to their customers. Burdensome taxation, especially when unequal and uncertain in amount, so restricts banking facilities as greatly to retard the growth and prosperity of the community.

With very few exceptions, every state taxes all personal property not specifically exempted. If, in this respect, the tax law is unchanged, such property will be taxable as heretofore. As it will be taxable solely for local purposes, it can be dealt with by the local community under the authority proposed to be given.

Real estate should be taxable exclusively by local authority in order that there may be no influence upon assessors to decrease assessments to avoid the payment of taxes to a larger political division. If assessors are uninfluenced by any consideration other than an equitable assessment locally, they can be compelled to assess as the law directs at full value, and the possibility of serious discrimination will be slight. The law should provide for the separate statement of the value of land, as in the City of New York.

Under the plan of taxing public-service corporations already described, part of the revenue will be distributed by the state to the localities in which the services are rendered. It is desirable that practically all the revenue from public-service corporations now owning a private right of way should be distributed to the

**Personal Property Not Taxed by the State**

**Revenue from Public-Service Corporations**

local communities, and such revenue will be quite a large amount until such time as public-service corporations are so regulated that the charges for service are decreased to an amount equal to the cost of service plus a reasonable profit.

Aside from constitutional restraints, the most serious obstacle to a reform of local taxation is the present necessity for uniform legislation throughout the state. Public opinion

**Local Option** in large cities is often as different from the public opinion of rural communities as their physical and social conditions. A system of local taxation which is reasonably satisfactory in a farming community is a hopeless anachronism in a large city. Reasonable conservatism with regard to changes is intensified when the change must affect the whole state, and if found unsatisfactory will be difficult to repeal.

When methods of raising state and local revenue are divorced, as I have proposed, there can be no conflict of jurisdiction caused by conferring upon local communities the power to determine the subjects of local taxation and the rate at which such subjects shall be assessed. If every county were given the right to exempt from taxation any class of property, or to reduce the assessment upon any class of property, it would be possible for any progressive community to adopt methods already proven valuable elsewhere, or to make experiments on its own account, which would be useful object-lessons to the rest of the country.

The policy of Pennsylvania has already demonstrated the great advantage of exempting certain classes of capital used in manufacturing and of imposing a low rate of taxation on certain classes of securities. In Baltimore, Maryland, the rate of taxation imposed on securities was greatly reduced and the revenue largely increased. In some states certain agricultural improvements are exempt, and the exemption has been very beneficial. It is universal experience that manufacturing machinery is most difficult to assess, and local power to exempt is frequently exercised in states where this power is enjoyed.

This local option would give power to those most deeply interested and who have the best opportunity to judge of the facts. The exercise of the power could have no ill effect on any other community in the state.

With a complete divorce of state from local taxation, and a large measure of local self-government accorded to local communities, we may confidently expect a continuous and rapid advance toward an equitable system of taxation, which will aid and encourage agriculture, commerce and manufacturing, promote the general welfare, and finally equalize natural opportunities.

## Report of the Committee on Taxation.

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### Committee on Taxation.

JOHN G. AGAR,	CLARENCE H. KELSEY,
RICHARD H. DANA,	LAWSON PURDY, <i>Chairman</i> ,
HORACE E. DEMING,	EDWIN R. A. SELIGMAN,
FREDERICK N. JUDSON,	GEORGE F. SEWARD,
CLINTON ROGERS WOODRUFF.	

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Soon after its appointment your committee requested the assistance of men in all parts of the country to act as advisors. Two years ago questions were submitted to those advisors and to over one thousand others who, because of official position or personal interest, had studied the subject of municipal taxation. The questions were intended to secure the judgment of well-informed persons as to the desirability of home rule in matters of taxation proposed in the Municipal Program of the League and the best method of providing for it.

With the questions, your committee submitted the following explanatory statement:

#### STATE REVENUE AND MUNICIPAL HOME RULE.

This committee being a committee of the National Municipal League is bound by the principles already adopted by the League so far as those principles affect constitutional and statutory provisions relating to taxation. It is important, therefore, at the start to present clearly to the members of the committee and the Advisory Committee the Municipal Program of the League in so far as it covers the special field of investigation submitted to the Committee on Taxation.

The Municipal Program adopted by unanimous vote at the Columbus Convention of 1899 represents the outcome of six



years of effort, and was prepared by a special committee after two years' close study and work. Dr. Delos F. Wilcox, author of "The American City," in an article on the program<sup>1</sup> thus reviews its use:

It has nowhere been enacted into law as a whole, but its influence has been felt practically everywhere "under the flag" that charters have been framed, constitutions revised, or municipal reform agitated. It was published in full in Honolulu for the benefit of the Hawaiian Legislature. It was used by the Havana Charter Commission and by the Porto Rican and Philippine Commissions. It has left traces in the new constitutions of Virginia and Alabama, and has formed the basis for a sweeping amendment to the Colorado constitution. The Charter Commission of Portland, Ore., used it. The Charter Revision Commission of New York City adopted some of its provisions. The Duluth and St. Paul charters are in line with it in important respects. It has formed the basis for agitation for charter reform in Wisconsin, Minnesota, Michigan, Delaware, and doubtless many other States.

The Municipal Program contains proposed constitutional amendments and a municipal corporations act, or model city charter as it is called by some. Section 7 of Article 3 of the constitutional amendments contains the important provisions relating to taxation. This section is as follows:

*SEC. 7. General Powers of Cities.* Every city within the State shall be vested with power to acquire, hold, manage, control, and dispose of property. Within its corporate limits it shall have the same powers of taxation as are possessed by the State; it may license and regulate all trades, occupations, and businesses, and shall be vested with power to perform and render all public services, and with all powers of government, subject to such limitations as may be contained in the constitution and laws of the State, applicable either to all the inhabitants of the State or to all the cities of the State, or in such special laws applicable to less than all cities of the State, as may be enacted in the manner hereinafter provided.

Section 12 of Article 2 of the Municipal Corporations Act is as follows:

<sup>1</sup> Chicago Proceedings, page 181.

SEC. 12. *Taxes.* Within its corporate limits the city shall have the same powers of taxation as are possessed by the State. It may license and regulate all trades, occupations, and businesses.

The principles of this "Program" are, if anything, more important than the actual provisions relating to taxation in the constitutional amendments and the act which form a part of the Program.

The principles which governed the framing of the Municipal Program are well set forth by various members of the committee in special articles published with the Municipal Program. Thus, Prof. Frank J. Goodnow writes (page 141):

The draft has (Const. Amend., Art. Third, 7; Mun. Corps. Act, Art. II) accordingly vested the city with the widest powers in the hope that much special legislation would thereby become unnecessary. Indeed, in this respect the plan proposed makes the most radical departure from existing conditions. It is based on the proposition that cities shall be authorities of general rather than of enumerated powers, and shall be subject to legislative control only in so far as that is exercised by means of general laws applicable to all the inhabitants or all the cities of the State, or by special laws passed in a manner which it is believed will prevent the passage of much special legislation—indeed of any special legislation that is not absolutely needed. The purpose of granting such wide powers of action to cities is not merely to make special legislative action unnecessary, and thus diminish the opportunity of the political parties in the control of the Legislature for interfering with cities to their disadvantage; it is also to give the people of the cities the widest opportunity for self-development and to bring home to them a sense of responsibility for their own welfare.

In his paper on "Public Opinion and City Government under the Proposed Municipal Program," Mr. Horace E. Deming said (page 146):

One of the problems which the proposed Municipal Program undertakes to solve is to provide a form of city government which will compel the development of this interest, and upon which the public opinion of the voters, when deliberately expressed, will be effective.

To some it may seem a startling statement that, so far at least

as city government is concerned, there is not only not now, but there never has been, a public opinion in the United States which has either prevented or corrected the principal evils of bad city government. But how else shall we account for the fact that the remedy for such evils has almost invariably been to deprive the city of power to perform the very functions which naturally belong to it? For example, the limitation of the city's power to levy taxes for city purposes is almost universal in this country; the public opinion of its citizens is not deemed sufficiently intelligent or effective to keep the city from bankruptcy. And how otherwise shall we account for the general resort by the city to outside agencies in order to conduct purely city affairs? Witness the constant appeals to the State Legislature to remedy this or that purely local trouble or to create permanent or temporary boards of officials to perform purely local functions. Even in the election of the public officers of the city its citizens rely mainly upon the agency of national or state political parties. Where in the United States is there a city which possesses all the powers requisite to conduct its local affairs without aid or interference from the State Legislature or whose elective officers are not usually the product of the activities of national or state political parties, or in which the frame-work of the city government favors the full, free and deliberate expression of the popular will as to the conduct of city affairs?

Mr. Deming then describes the reasons for this lack of public spirit and shows that it is largely due to a lack of responsibility. After describing the remedies proposed, he said (page 156):

Such in brief outline is the city under the proposed Municipal Program. It is a representative democracy. Unable to resort to outside assistance and secure against outside interference, compelled to work out their own local destiny, clothed with ample powers to manage the city's business, its citizens are guaranteed that the public policy which they favor will be the policy of the city government; the very necessity of the case will develop an enlightened public opinion, which will determine the public policy. In such a government the will of the people when deliberately expressed will control, and the people cannot escape expressing their will. The people are the government.

Under the constitutions and laws of most of the states, state and city taxation are so bound together that their separation by the mere adoption of a city charter is impracticable or entirely impossible. At the very outset, then, the Committee on Taxa-

tion is confronted with the question of whether it is possible to devise such amendments to constitutions and laws as will render possible the divorce of the city from state control contemplated by the Municipal Program.

Most of our state governments to-day rely for a part at least of their revenue upon what is called the general property tax—that is, a tax laid on all forms of taxable property throughout the state. The work of assessment is not done by state officials, but by assessors elected or appointed as county, city, or town officers. The assessment having been made by these local officials, a tax is customarily levied at one time for local, county, and state purposes.

**Existing  
Conditions**

Many years ago it was found that this method of raising state revenue resulted in the under-assessment of property by local assessors in order to reduce the share of state revenue to be paid by those who elected them. In many states, state boards of equalization, as they are called, were created to overcome this evil. It is the duty of such boards to examine the assessments made by local assessors and increase those that they think too low, and decrease those that they think too high, in order to equalize assessments throughout the state and procure a just distribution of the state tax. Everywhere this plan of equalization has been found inadequate to remedy the evil. One can rarely find any county in the state willing to concede that it has been fairly treated. The result is jealousy, discontent, and inevitable political favoritism. The general opinion with regard to this plan of raising state revenue is well set forth in the report of the State Tax Commissioners of Michigan for 1900:

No feature of our tax system should receive more careful attention by the legislature-elect than that of state and county equalization. There are few states having similar methods for the equalization of property but that ascribe their gravest ills to the baneful effects resulting from such apportionments. The evils of undervaluation of property in Michigan may be traced almost invariably to apportionments for state and county taxes.

The occasion for state equalization is generally one of days filled with woe and gloom. Messengers who are sent from the counties are those who can best picture the swamps, barren and unfruitful fields, and who can leave the deepest impression of great desolation.

## REMEDIES ADOPTED AND PROPOSED.

Some of the states, notably Pennsylvania, Connecticut and New Jersey, have devised special taxes upon selected subjects of taxation for the raising of state revenue, and **Special Taxes** rely upon these taxes exclusively. A like course has been urged in the states of New York, Ohio, Oregon, and others.

There are many who believe that the policy of relying exclusively upon such special taxes for state revenue produces worse evils than the old general property tax plan. In the report of the Committee on State and Municipal Taxation of the New York Chamber of Commerce, adopted January 3, 1901, the committee said:

There exists in the Legislature a disposition to select certain easily reached taxables for State taxation exclusively. This disposition is likely to deprive the political divisions of some of the best sources of revenue, and at the same time to put the expenditures of the State in such position that there will be little use in local watchfulness.

The Chamber of Commerce frequently since that time has opposed the disposition of the Legislature, to which the committee then called attention, and in various reports has severely criticized bills passed in pursuance of the policy of imposing special taxes for state purposes.

Another objection urged against this policy is that the revenue has no elasticity. The taxes are laid at unvarying rates, and from the nature of the case this is difficult to avoid; there being no elasticity, the revenue is sometimes too much and sometimes too little. When it is too much, extravagance is engendered, and when it is too little, the Legislature looks for some new taxable subject, and the business community is terrified. It is contended that a system of taxation must provide means of adapting revenue to expenditure, rather than expenditure to revenue.

On the other hand, those who favor such special taxes contend that there are certain proper subjects of taxation which can only be reached, or can best be reached, and can be taxed most equitably by state officers. They contend that an unvarying rate is an advantage because the interests taxed adapt themselves to the



tax and are not disturbed by variations in the rate; that when such a system is in working order the actual increase of population and wealth will cause a corresponding increase in the revenue, and that it is the duty of the Legislature to govern expenditures so that they shall be kept within the revenue.

Those who oppose the special taxes contend that the very fact of the contentment of the business interests taxed is an evil in that they are not interested in legislative economy or the improvement of the system; that the system tends to become crystallized because of the powerful interests that oppose any change.

A plan of raising state revenue, which in an imperfect form was adopted by the State of Oregon in 1901, was approved by the New York Chamber of Commerce in January of that year. This plan is for a State board to collect statistics of revenue of all the taxing bodies of the State, and apportion the State tax to the various counties on the basis of the total revenue of each county and all the taxing districts within it. The imperfection of the Oregon law consists in this: that the apportionment is based on county revenue exclusively. This gives rise to an injustice to poor counties, because county revenue is always proportionately more in a poor county than in a rich one.

It is contended by those who favor this plan that it produces a more just distribution of the burden than even an absolutely equitable distribution on the basis of assessed values, because, when all property is assessed for taxation, the assessment is higher in proportion to social values in the rural parts of the State than in the large cities, while revenue more nearly corresponds to social values; that the proportion to be paid by cities would be increased over what would be paid on the basis of assessed values, and that this is both just and necessary.

It is contended that the apportionment on the basis of revenue would tend to economy in both State and local affairs, because extravagance locally would increase the proportion of the State burden to a slight extent, and State extravagance would immediately be felt directly by the taxpayers.

It is said, further, that as this plan would do away with judicial discretion on the part of the State board and substitute a mere

**Apportionment  
of State Taxes  
on the Basis  
of Revenue**

mathematical computation, there could be no favoritism nor intentional injustice. It would entirely divorce State from local taxation. It does not preclude the employment by the State of special taxes for part of the revenue if it is decided that certain forms of property can best be taxed by State authority. At the same time there would be opposition on the part of local taxing bodies to an attempt on the part of the Legislature to deprive them of taxable subjects.

It is stated that one merit of this plan would be the collection of statistics, which would be beneficial in two ways: First, that their collection would result in a uniform system of reporting, and ultimately of accounting; and second, that the opportunity to inspect comparable figures for all counties, cities, towns and villages would be a great advantage.

Objection is made to this plan on the ground that economy is not desirable, and that needed public improvements might be retarded by the inducement to local taxing bodies to keep down their revenue.

It is said that progressive communities would be unduly burdened because of their desirable progressiveness.

The replies to the questions submitted with the foregoing statement served to confirm the opinion of your  
**Conclusion** committee that home rule in taxation is essential to the best development.

The constitutions of New York, Connecticut, Pennsylvania, and a few other states contain no limitations which prevent a grant to cities of power to determine the subjects of local taxation. Most of the state constitutions require uniformity throughout the state, and some demand the equal taxation of all property by uniform rules. We are agreed that such constitutional provisions should be eliminated.

Your committee is unanimously of the opinion that state and local taxation must be divorced in order to give to cities the home rule contemplated by the Municipal Program, and that on other grounds as well such divorce or separation is desirable.

We submit with this report a series of papers on different phases of the subject, which we trust may be helpful without, however, assuming any responsibility for the opinions of the writers.

# Taxation of State and Municipal Bonds.

By **ARTHUR B. CHAPIN,**  
Treasurer and Receiver-General of the  
Commonwealth of Massachusetts.

The question of the taxation of State and municipal bonds was given considerable attention by the Legislature of Massachusetts last year. It resulted in the passage of a law which exempted future issues of State bonds from taxation, and the question of the taxation of municipal and county bonds was referred to a special recess committee for its consideration.

The laws in regard to the taxation of personal property vary so much in the different states that it is difficult to consider a question like this in a manner that will apply to all the various states. In Massachusetts all personal property is taxable; bonds are taxable as other personal property. Each person is required to make a return to the assessors of the amount of personal property held by him. Failing in this he is "doomed," and must pay on what the assessors estimate the value of his personal property.

## **Varying State Laws**

The question of the taxation of state and municipal bonds is one part of the general question of taxation. At the present time taxation seems to be regarded by many as a means of profit-sharing with persons who have property rather than a question as to the production of revenue alone.

Taxation is the contribution of individuals towards the expense of conducting the government in proportion to their ability to pay; and their ability to pay is measured by the amount of wealth they hold; but taxation is an instrumentality of the government exercised for the purpose of governing, so far as it relates to the state, city or town. Whatever hampers or restricts the instrumentalities of government lessens its power. One of

## **Taxation an Instrumentality of Government**

the functions now of the state is the building of hospitals. This requires money, and the money is borrowed for a term of years in order that the burden may be spread over the life of the buildings, each year's taxpayers paying their proportionate share for the use of the money. When the money is borrowed bonds are issued, which are a pledge of the faith and credit of the state. They are not a mortgage, nor secured by any tangible property, but merely a promise to pay. Now, if these bonds are taxable they are not as valuable to the holder if a citizen of this state, and less money is received by the state for them; therefore so much less money can be expended for hospitals and other similar purposes, and thus the government by taxing its own credit hampers itself. The United States Courts appreciated this and have refused to allow the taxation of the United States bonds; one reason, though not the principal one, being that the United States could not sell its bonds to as good advantage if taxable as if they were not.

There is also a moral ground to the question. The state being the sovereign power, controls the right to tax. The state, moreover promises to pay a certain rate of interest to every one who loans to it; but in taxing its promise to pay it attempts to take back a portion of the interest for state expenditures, and allows cities and towns to take a portion for their own expenses, so that it in effect repudiates a portion of the contract which it makes with every bond-holder. A further question in regard to the exemption of state bonds is, that it is not practicable as a revenue-producing measure. State, city and county taxation is solely for producing revenue.

At the rates at which our State bonds have been sold in the past, if these had been purchased and held by citizens in certain towns of the State who were compelled to pay

**When Tax** taxes on them, the holders would actually have  
**Equals Interest** received not only no interest for the use of their money, but would have paid back in taxes more than they would have received for the interest on their bonds. In other words, a person in certain towns of our Commonwealth who had purchased some of the State bonds on a basis which would have yielded him \$28.50 per thousand, if that person had lived in one

of the towns of this Commonwealth the past year where the tax-rate was \$30 per thousand, he would have paid back in taxes on each \$1,000-bond \$1.50 more than he received.

It is probably true as an economic proposition that the market price of money will not change by exempting state bonds, but a

**Non-Resident  
Bondholders**

certain class of citizens of this State, or any state, will invest their money in State bonds if they are free from taxation, being satisfied with a smaller rate of income, when if the bonds were taxable, their money would be invested in some less safe security. At the rate of interest at which states issue bonds a private individual cannot loan his money to the state and pay the tax, so that it resolves itself into this proposition: either bonds must be owned outside the state or else those who hold them will dodge the taxes.

The assessors from a majority of the cities of the Commonwealth testified at hearings that no state, city or town bonds are taxed except where they appear in the property of those who were "doomed," so that the amount of money received from the taxation of bonds amounts to practically nothing.

Those opposed to the exemption of State bonds from taxation argue that it is better for the State to borrow its money abroad, for it can do so cheaper, and let its own citizens invest in more lucrative investments; but the best policy seems to be that if the citizens of the Commonwealth will loan their money to it, it will be better for both parties.

Last year an examination of the books containing the names of registered owners of Massachusetts bonds showed the following situation:

Trust companies, savings banks, insurance companies, national banks, .....	\$15,223,000 00
Charitable, religious, educational societies, cemeteries, etc.,...	793,000 00
Boston Elevated Railway, Boston, Cape Cod & New York Canal Company, brokers, .....	1,362,000 00
Individuals, .....	5,118,000 00
State of Massachusetts, .....	3,029,662 00
Corporations, .....	116,000 00
Held outside the Commonwealth, .....	58,878,500 00
<b>Total</b> .....	<b>\$84,520,162 00</b>



It thus appears that about 70 per cent. of Massachusetts bonds are held outside the State, and of those within the State only about 6 per cent. could be specifically taxed at the present time. In addition to these bonds there are \$13,064,000 in coupon bonds, not registered, "the location of which is not known."

The Legislature last year removed the tax from bonds issued thereafter and the result was as follows:

**Tax Exemption in Massachusetts** "Of the total amount of \$2,216,000 issued last year of registered bonds, the holdings are as follows:

182 individuals holders in Massachusetts own .....	\$1,940,000 00
4 holders outside of Massachusetts own.....	7,000 00
Insurance companies, .....	150,000 00
Savings banks, .....	50,000 00
Brokers, .....	40,000 00
Corporations, .....	20,000 00
Trust companies, .....	9,000 00
	<hr/>
	\$2,216,000 00

There are 126 individual holders of \$5,000 or under."

It is difficult to figure the actual financial gain by the State on its issue of bonds sold last year, as the high rates prevailing for money prevented as advantageous prices being received as would have been received under normal conditions.

The best estimates obtainable seem to show that the exemption of State bonds from taxation made a saving last year of about one-fourth of one per cent. on the interest basis, which would be \$175,000 gain to the State by the exemption.

While many of the states are prohibited by their constitutions from incurring any bonded indebtedness, the following states exempt their bonds from taxation:

<b>Exemption in Other States</b>	Alabama,	Maryland,	Ohio,
	Connecticut,	Massachusetts,	Pennsylvania,
	Delaware,	Mississippi,	Rhode Island,
	Georgia,	New York (certain	South Carolina,
	Idaho,	bonds exempt),	Utah,
	Indiana,	North Carolina,	Virginia,
	Louisiana,	North Dakota,	Wyoming.

The only states which have any debt, where their bonds are taxable, are Maine, Minnesota, New Hampshire, and certain bonds of New York, Tennessee and Texas, but of these states the only one which has an indebtedness of over two millions of dollars and taxes its bonds is Tennessee, so that the practice of exempting state bonds from taxation by the different states is almost universal.

One year ago last fall the question was submitted to popular vote in the State of Ohio as to amending the Constitution of the State, so that State, city and county bonds would be exempt from taxation, and the vote was as follows:

In favor of the exemption, .....	655,508 votes
Against the exemption, .....	139,062 votes

showing that the people are in favor of such exemption.

The matter does not seem finally settled in this State, however, as there is a bill before this Legislature for the repeal of the law passed last year. I trust, however, that a fair trial will be given the law before Massachusetts goes back into the lonesome list with Tennessee in favor of taxing its own credit and promise to pay.

# Exempt Money and Credits from Taxation.

BY J. H. EASTERDAY,  
of the Washington Tax Commission, Olympia, Wash.

Invited to contribute an article on the expediency of exempting money and credits from taxation, I may appropriately serve the purpose in view within reasonable limits of space by summarizing recent experience in the State of Washington in reference to that measure.

The investigations of our State Board of Tax Commissioners—which Board was created by an Act of 1905 and fairly entered on its duties in June of that year—disclosed **The Problem in the State of Washington** losses to the revenue through concealment of money and credits so startling in their aggregate as to present a problem of the most serious nature and to fix attention upon the necessity of an early solution, if possible. Adding enormously to the gravity of the case there was the evil of widespread and growing immorality in the deception and perjury practiced by that numerous class who thus despoiled their neighbors and the State, and by their example worked deep injury to the sanctity and safeguard of oaths and all testimony. It was found that the moneys, notes, accounts, warrants and other credits as returned, sworn to and equalized by county boards for the entire State for the years 1900 to 1906, inclusive, averaged only \$3,584.739 per year.

Turning from a result so surprising in its meagreness to ascertain how far short these figures were of truly representing this class of property, it was discovered, by aid of **Actual Values** reports from abstractors, that the mortgage indebtedness of the State, estimated conservatively on the reliable data furnished, amounted to about \$120,000,000. Information from the 239 banks enabled us to determine the aggregate de-

posit of moneys in the State at \$115,505,500. For moneys stored in safety-vaults, safes and tills we added, from the best information available, \$15,000,000, making a total of moneys and mortgage credits—but necessarily omitting all other credits inaccessible—of \$250,505,500, all of which should have appeared on the rolls, but less than a seventieth part of which was returned or secured for taxation. As between 1905 and 1906 there was an increase of returns from \$3,211,177 in the former to \$6,168,412 in the latter year, due chiefly to the efforts of the tax commissioners and the earnest coöperation of the assessors. But the great disproportion of even this result in comparison with the total value of all taxable property of the State was something to marvel at—such total being \$522,082,502; that of moneys and credits returned as increased by the hard and unremitting efforts of the Board, less than one and a quarter per cent. thereof. Hence, it was noticeable that if the class of property in question were exempted from taxation, this would be the comparatively trifling measure of reduction in our total revenues—a reduction of only 1.18 per cent.

This disparity and the manifest wrongs attending it, exceedingly alarming to thoughtful and honest people of this State, notwithstanding the evil was known to be prevalent all over the

**First Biennial  
Report**

United States, became, and for a long time remained, the chief topic of investigation, study and controversy among the three members of the State Board of Tax Commissioners, during which recourse was had to extensive correspondence and other means of seeking light on the vexed question. There finally resulted definite division of views among those members as to the remedy that should be applied, and this division went of record in the First Biennial Report of the Board, in which appeared a majority recommendation to the effect that interest-bearing deposits and mortgages be taxed at the rate of one-half of one per cent. As this appeared to be merely a feature copied from the expedient adopted without satisfactory results in New York, and as it did not seem promising if applied in this State, nor in any respect a substantial solution of the difficulty, the writer hereof, one of the members of the Board, submitted a minority report dissenting

therefrom, stating his opinion that all money, mortgages and other credits should be made exempt from taxation and setting forth the reasons which led him to that conclusion.

Prominent among those reasons was the fact that no country in the Old World levies a tax on this class of property, directly

**European** contrary to the universal and unsuccessful practice in the United States — a reason containing  
**Experience** weight from consideration of the greatly superior age and experience of those enlightened nations, all of whom have struggled in bygone centuries over problems that agitate and distress us to-day. We may be contemptuously disposed toward the effeteness, monarchism and slowness of Europe, but we are not to suppose that, smart as we may deem ourselves to be, wisdom will die with us or that we cannot yet learn an important thing or two from records of the billions upon billions of struggling and wise souls who preceded us in the earlier walks of civilization. In economic problems, at least, it may not be amiss to inquire, "How do they do it over there?"

Aside from the contagion of lying and false swearing and its entail of corruption throughout the whole mass of people, destructive of morals and infallibly undermining by its evil precedent and example even common commercial honesty—a consideration which alone should be accounted sufficient to determine the exemption; aside from this, it is insisted, the taxation of moneys and credits under any system extant or that has been tried or conceived, however sought to be enforced, is inefficient as a means of producing substantial revenue. Our experience is practically identical in kind with that of every other state in the Union. From the secretive nature of this class of property, it can readily be seen that statistical data as to its volume and residence is well-nigh impossible to obtain. From entirely reliable sources, however, information is derived that moneys and credits to the extent of fully 97½ per cent. thereof, other than money owned by banks and bankers, escape assessment for taxation.

The leading methods used in avoiding assessment of moneys and credits are: 1. The person assessed makes a false oath as to the amount owned. 2. Offsetting indebtedness against credits, which is authorized by our laws. 3. Alleging indebtedness to



non-residents impracticable of verification. 4. Indebtedness to banks. 5. Fictitious indebtedness to far-away creditors. 6. Causing mortgages and other credits to be taken in the name of banks, building-and-loan associations and other persons to which the same are not directly taxable. 7. Assigning and transferring mortgages in exchange for United States bonds at or about the time of assessment; also giving notes for such bonds and setting up this pretended indebtedness in offset of taxable credits. 8. Taking mortgages or assigning them to persons in a foreign state, recording the assignments and taking back at the same time reassignments, but keeping the latter from record.

In speaking of the assessment of mortgages, the word mortgage is intended to be used in the meaning commonly accorded to it, that is, as meaning the credit for which it stands. As is well known, a mortgage is not taxable, but the credit secured by it is. A credit secured by mortgage is like any other, and the lien upon the land to secure it corresponds, for example, with the surety on a promissory note.

Mortgages have been returned along with other credits as to which it has not been possible to approximate the part owned relative to that returned for assessment. But it may well be doubted whether so many as one in a hundred has been returned for assessment, as in most of the counties the assessors frankly stated that effort was no longer made to secure them for taxation. In a few counties, however, the assessors obtained lists from the auditors' offices, and earnestly tried to place them upon the rolls, but failed to meet with coöperation of other officers. The results were unsatisfactory and disheartening.

There developed the further commanding reason for dissent and for favoring a move toward exemption, that the taxation of evidences of indebtedness is substantially in most cases double taxation. Double taxation is not inhibited by either our constitution or statutory law, and yet as an economic proposition it merits treatment as being intolerable, since its results are inequality and injustice where such laws are enforced. It follows that where they are but partly enforced the inequality, the excess of burden placed upon those who are compelled to pay, is increased and the wrong done them intensified.

A humorous illustration of the creation of fictitious property resulting in double taxation is borrowed from a San Francisco paper :

"A has a horse; B has nothing, but is honest and industrious. B buys A's horse and gives his promissory note for one hundred dollars. The horse previously taxed as property in A's hands is now taxed as property in B's hands, and A is taxed — just as much as he was before — on B's note, which is property also. That is to say, the law holds that, by a mere stroke of his pen, B, who has nothing, and can give himself nothing, can instantaneously create as much property for others as others may happen to think he will some day be able to acquire. Truly the performance of the man who causes two trees to grow where but one grew before is of so little comparative benefit that he might be justly censured for a sin of omission."

Notes and promises to pay are given in ninety-nine out of a hundred cases for tangible things—it may be for lands, livestock, machinery, an interest in a business, or many other things. The thing is in existence and subject to taxation. To tax the evidence of its existence is double taxation.

The minority report above mentioned referred to the experience in other states, citing from recognized authorities therein, especially dwelling at some length upon the testimony from Ohio as practically representing the experience of all other states where this much mooted and never settled question has received the attention of men specially qualified to speak on the subject.

Ohio and Washington are alike in this, that increase of population and of real-estate values is accompanied by marked decrease in the amount of moneys and credits returned for assessment.

In speaking of the condition and laws of Ohio touching this subject, the Commission of that State, in the clear and able treatment of its published report, embodies a description of the elaborate system and its workings there existing for gathering taxes from the class of property in question—a description of character so graphic and rational as to possess high value in support of the position that moneys and credits should be exempt from taxation. The Commission says:

**Conditions  
in Ohio**

"We have in Ohio the most efficient and minute scheme of bringing upon the duplicate 'assessment roll' all of these classes of property which has been devised in any state. Every citizen is bound under oath to make a complete return of his property. The list which he returns is to embrace all forms of personal property; if he declines to make the oath required by law, a penalty of fifty per cent. is added. . . . The statutes also provide a method by which the auditor may, through the probate court, call before him the citizen and examine him, if he suspects that the return is not a complete one. In addition to this, the county commissioners have authority to make a contract with such persons as may give information which will result in personal property being placed upon the duplicate. These persons are awarded with a large proportion of the amount recovered through their efforts. . . . Bearing in mind these extremely stringent provisions of the law, it remains to determine how far they have proved effective.

"This system or scheme of taxation has the appearance of equality. To tax all property at a uniform rate presents a proposition which commended itself to our fathers when the present constitution was framed. . . . The system as it is actually administered results in debauching the moral sense. It is a school of perjury. It sends large amounts of property into hiding; it drives capital in large quantities from the State. Worst of all, it imposes unjust burdens upon various classes in the community: upon the farmer in the country, all of whose property is taxed because it is tangible; upon the man who is scrupulously honest; and upon the guardian and executor and trustee, whose accounts are matters of public record. These burdens are unjust, because by the existing system, as it is in actual practice administered, these people pay the taxes which should be paid by their neighbors.

" . . . Fully one-half of the property of a modern state exists in intangible forms. Of this, all but a mere bagatelle escapes taxation entirely when the attempt is made to reach it in the form of property. . . . And this is not all, nor is it the worst; the moral sense of the community is blunted; its citizens are made familiar with all manner of evasion; they are taught to lie. The reason for this state of things is apparent. It is clear that this class of property escapes because it can escape. It can be safely predicted that people will continue to evade the payment of their taxes upon intangible property, if for no other reason, simply because they can do so. . . . The worst evils, however, which arise from these conditions are that large numbers in the community are oppressed by the burdens thrown upon them. They pay the taxes of their neighbors."

Without drawing upon other like sources to accumulate weight of authority in extended language, it is probably sufficient for the purpose of this writing to add that practically all of the Commissioners that have been appointed in the several states to investigate the economic advisability of taxing mortgages and other credits, have been forced—some of them very reluctantly as it appears—to the conclusion that in so doing equality is not subserved and that justice miscarries.

The subject was taken up by our Legislature at its session which began in January of the present year. A bill was drawn and submitted to exempt moneys and credits from taxation, and after very full consideration and discussion both in committee and on the floor of the two houses, the contentions of its advocates prevailed and the bill was passed and approved in February, 1907.

Washington thus gained the distinction of becoming the first state in America to declare for free money, and the beneficial results that have ensued, while naturally expected to develop slowly, are already manifest on every hand. Financial journals throughout the civilized world have, in consequence, commented upon the scientific and progressive thought and legislation of the State of Washington.

The benefits flowing from this enactment are evidenced in many ways. Assessors report that returns are more freely made of personal property since the inquisitorial method of seeking for the invisible has been eliminated. This is reflected in the returns of the present year, which, notwithstanding the withdrawal of moneys and credits, still show a gain of more than 10 per cent. in the personal property assessment over that of last year, when the tax on moneys and credits was yet in force.

The custom has prevailed in this State on the part of depositors of withdrawing their money from the banks shortly prior to assessing time and sending it out of the State, in order to avoid assessment on it and the payment of taxes. One of the immediate results was temporary money stringency and the curtailment of bank accommodations to the business community. The

**Legislative  
Action in  
Washington**

**Beneficial  
Results**



repeal of the tax puts an end to bank disturbances from this cause, and in this fortunate result alone there is manifest a fully compensating gain.

That the exemption of money and credits from taxation substantially and promptly lowers the rate of interest is no longer a question subject to mere theory and speculation.

**Lowering of  
Interest Rate**

It is a demonstrated fact. While in the past prime loans were negotiated in the Eastern money centers at from two to three per cent. less than was demanded in this State, there is no material difference in the rate at this time. A number of banks referred to on this point, among them the Traders' National of Spokane, have advised me that prime commercial loans in this State compare very favorably with those of the East, there being not over one-half per cent. per annum difference.

Money is flowing in upon us, and this State already has \$125 per capita. It does not seem probable that many of the other states of the Union can make a better showing. We beg to hand you the items of news that we will this year manage a forty-million-bushel wheat crop without the aid of outside capital. We never raised so many bushels before, and were never before able to get along with our wheat crop in the absence of liberal sums of Eastern cash.

Our school districts, which are near to the common people, are now placing their bonds at an average interest rate of 4.8 per cent., as against an average rate heretofore prevailing of 5.5 per cent.

**School Bonds**

While the people of some other states imagine this an off-year and money conditions are considered unsettled, Washington is enjoying a full measure of prosperity and glowing financial health. Under the impulse of abundant capital, relieved of its mistaken toll, of rapidly growing wealth of forest, farm, mine, manufactures and commerce, and of the hurried oncoming of great transcontinental railway systems, our building records multiply without precedent. The wage-earner banks his savings without fear of the tax-gatherer and thrift is encouraged. While these conditions may not be deemed largely the effect of exemption, yet the latter is a considerable factor and the dawn of good results is just breaking.



# **Taxation of Public-Service Corporations.**

**By ALLEN RIPLEY FOOTE,**

**Former Editor of "Public Policy;" Commissioner Ohio State  
Board of Commerce; President National Tax Association.**

My letter of invitation contains the following:

"That constitutional amendments are necessary where there are restrictions upon legislative action will be stated in an introductory article, so you may assume that there are no constitutional obstacles to any proposition you may advance save the restraints of the Federal Constitution."

The provisions in the Federal Constitution applicable to this subject are designed to restrain acts of injustice. If my propositions are correctly aligned with the requirements of moral and economic justice they will be confirmed, not restrained, by the Federal Constitution.

My letter of invitation also informs me that—

"The subject of the 'Taxation of Railroads' has been set apart for treatment in separate articles, with general reference to state taxation."

This would limit my analysis and explanation of the subject to public-service corporations operating within municipalities but for the fact that economic principles are not so limited. They have no knowledge of the jurisdictional limits of municipalities, states or nations. They are universal in their influence and application. Through the explanation of economic principles and their application to the smallest public-service utility an understanding may be acquired of the public policy that should be adopted for the taxation of all public-service utilities, whether municipal, state or national.

It is the duty of the educator to advocate that which he be-

lieves to be morally and economically just and right, regardless of the provisions of organic or statutory law or of the customs, prejudices and political traditions of his time. Greater wisdom cannot be crystallized into public policy than is contained in the information upon which it is based. The provisions of legislative acts cannot apply correct economic principles to the regulation of industrial, commercial and financial operations when the people whom members of legislative bodies represent are not correctly informed regarding the requirements of such principles. Prejudice is a sour flavor of mind caused by lack of sunshine—the light of correct information.

It is the duty of municipal, state and federal legislators to cause statutory law to conform to the requirements of moral and economic law. That they may do this it is the duty of educators to declare the true principles of moral and economic law. Moral law teaches the principles of justice. Economic law enforces these principles in practice. A sound moral proposition is always a sound political proposition. From such propositions only can a sound public policy be evolved.

Only those who recognize the fact that an individual gain secured through the loss of another is an immoral, an uneconomic gain, are wise enough and great enough to seek to establish justice by acts instead of by demands. Through the acts of such as they, the requirements of moral and economic justice are applied and the will of God is done in the affairs of men.

A public-service utility may be defined as an undertaking making a special use of public rights of way, or of private rights of way acquired by an exercise of the power of eminent domain, organized for the purpose of rendering a service that must be operated as a monopoly in order to secure the best economic results for users. The degree of direct benefit to users is determined by the adequacy of the service and the reasonableness of the price they are required to pay for it. These conditions are determined by the aggregate of output of service that can be sold by one management, the tenure by which the right to render the service is held, the amount of capital actually and necessarily

**Economic Principles Should be Applied in Public Policy**

**Taxation and Economic Advantage**

invested for the purpose of rendering the service required, and the costs of ownership and operation.

The incidence of the benefits enjoyed by users are diffused through the community precisely as are natural advantages such as are derived from low-cost water-power, a natural gas supply, low-cost transportation by navigable waters and natural harbors. This fact was instinctively recognized in the days of initial railroad building by the voting of county, township and municipal aid to induce construction. It is attested by the fact that the enhanced value of all property within its zone of influence, by reason of the advantages derived from the service rendered by a public-service utility, is greater than the amount of capital actually and necessarily invested in its construction. Such value is an unearned increment which attaches to all property. It is an advantage derived by the property-owner from the service rendered by the utility for which he can be made to pay only by placing such increased value upon the tax duplicate and omitting from that duplicate the value of the utility which produces it. This will be taking a tax out of a harvest-filled bin instead of seed-filled sack from which the harvest is to be produced.

It is obvious that any legislative condition which tends to increase the costs of construction, ownership or operation will tend to increase the price a user must be required to pay for service. It is also obvious that adequate service at low price is the condition of best economic advantage for users, and therefore for the community considered as a whole. When this condition is given its proper value in the solution of the problem it will be clearly understood that the community will be a gainer by putting the whole burden of taxation upon the property benefited rather than by placing any portion of it upon the utility by means of which the advantage is created, thus forcing the price of the service to a higher level and correspondingly reducing the value of the economic advantages derivable from the service by users and by the community. In fact, the day will come when public policy, developed by reason and experience, will rest upon the basis instinctively assumed during the primary state of public-service utility development when franchises were "given away" and investment capital was obtained by taxation.

It should be plain to any mind that the policy of *no taxation* should be adopted—as otherwise it would fail of its purpose—only under conditions of public price regulation that will make it certain that the decreased cost of ownership and operation secured by exemption from taxation will be transmitted, without diminution, to the users of the service and, incidentally, to the whole community, through a corresponding decreased price for service. The answer to an unregulated rate-fixing condition, under which corporation managers are free to charge as high prices as they can get, is a taxation condition under which the limit to the tax is the highest rate the corporation can be made to stand. Under such conditions the best economic advantage cannot be evolved for either corporation or users.

The true economic policy of no taxation and low prices for services cannot be adopted under present conditions of popular information. This policy will have to be evolved gradually, through coupling reductions in taxation with reductions in prices charged for services, until the factor of taxation is entirely eliminated. This can be accomplished only through a system of state regulation designed to apply correct economic principles to the solution of the problem—*how to secure adequate services at lowest economic prices?*

Under a properly devised and administered system of state regulation the basis of taxation for public-service corporations will be shifted from *valuation* to *earnings*. In no other way can the tax be effectively dealt with as a factor of cost in the production of the service. In no other way can the full value of the economic advantage created by the service be realized. This value will expand or contract in exact relation to the adequacy and low price of the service, or its curtailment and enhanced price. The value of the economic advantage derived from adequate service at lowest economic price will be realized by users in the greater helpfulness of the facility and in their expenditures for service; also in the enhanced value of all real property within its zone of influence.

The logical conclusion is: If all taxes collected from public-service corporations are remitted, on condition that service facil-

ities be improved to the limit of the best known and prices be reduced to the lowest practical economic level,  
**Conclusion** the increased burden of taxation thus placed upon the real property within the zone of influence will be but a partial payment into the public treasury of the increment of value thus created.

If this conclusion is correct, real-estate owners can afford to pay all of the taxes now paid jointly by real estate and public-service corporations, in order to secure the increase in value that will attach to their property by reason of the economic advantages created by untaxed public-service utilities.



## The General Property Tax in Cities.

By DR. DELOS F. WILCOX,  
Secretary of the Detroit Municipal League.

The taxation of personal property under urban conditions has been so roundly abused by the reformers that I am almost ashamed to give it another kick, and yet a glance at a few urban assessments is sufficient to show that there is something radically wrong in the application of the general property tax to city conditions. I notice that the assessment of property in Greater New York for the year 1907, completed under the supervision of Hon. Lawson Purdy, chairman of your Committee on Tax Reform, shows that personal property amounts to 8.15% of the total taxable property in the city. The report of the Assessing Department of Boston for the year 1906 shows that personal property amounted to 18.9% of the total valuation for taxing purposes there. The Detroit assessment for 1907 makes personal property 30.9% of the total assessed valuation in a city of about 370,000 population. I have before me also the figures for the assessment of property in Saginaw, Mich., a city of about 45,000, for the year 1905. At that time personal property amounted, according to the assessors, to 36.5% of the total. It would hardly seem possible that starting with 8% in the second city of the world, having a population of 4,000,000 people, personal property should become increasingly important as we go down the scale in the size of cities until, in a city of 45,000, it should amount to 36.5%, or  $4\frac{1}{2}$  times as much proportionately as in New York City. It is generally supposed that there is no such law of progression even in assessments, to say nothing of actual values. That there is no such law is evident from a comparison of the figures for a number of large cities as given by a

report of the Census Bureau for 1905. At that time, while Chicago showed 27.5% personal property, the percentage in Pittsburg was only .5%, in Buffalo only 2.5%, and in Washington only 7.8%.

It is usually assumed that the general property tax is more of a success in rural districts than in cities. If we were to reach a conclusion without careful reflection we might

**Application of  
General Prop-  
erty Tax in  
Michigan**

also assume that the proportion of the total assessment furnished by personal property would be greater in rural districts than in cities. Whatever may be true in this respect in other states,

certainly in Michigan the reverse is true. While personal property in Saginaw City in 1905 amounted to 36.5% of the whole, in the townships of Saginaw County, outside of the city, personal property was only 13.2%. In the same year in Detroit and Wyandotte, the two cities of Wayne County, personal property amounted to 30.15%, while in the rest of the county it was only 19.09%. Figures for a number of other counties in Michigan are as follows:

Washtenaw County—Cities .....	25.6%
Washtenaw County—Townships .....	17.7%
Mason County—Cities .....	32.1%
Mason County—Townships .....	10 %
Lapeer County—Cities .....	32.3%
Lapeer County—Townships .....	14.4%
Ingham County—Cities .....	21.9%
Ingham County—Townships .....	15.5%
Hillsdale County—Cities .....	30.8%
Hillsdale County—Townships .....	15.4%
Kent County—Cities .....	32.3%
Kent County—Townships .....	15.8%

The assessment of personal property in cities of Michigan has been greatly facilitated, so far as amount is concerned, by the work of the State Tax Commission during the last ten years. Under the Michigan law each assessing officer must require every person whom he believes to have property not exempt from taxation "to make and subscribe to a true and correct written statement under oath of all taxable property of such person,

firm or corporation owned by him or held by him for the use of another." Under this requirement it is believed that in the city of Detroit a person who was not ostentatious of his wealth might acquire a considerable fortune, perhaps half a million dollars in personal property, without being placed on the tax duplicate at all. While every citizen who is "under suspicion" of having property is required to be his own assessor, so far as the original statement is concerned, the assessing officer is not bound to accept the owner's estimate, even though it is made under oath. Nevertheless, it is a physical impossibility for the assessors to make an actual assessment by personal investigation in the majority of cases where personal property is concerned, even where that property is tangible. A prominent business man of Detroit, with whom I was conversing upon this subject recently, said that most corporations hire "liars" to make their tax statements for them. I am sure that you will all agree that we have reached a remarkable state of affairs when a corporation, in addition to the lawyers on its payroll, is required to employ a special class of "liars" to misrepresent it before the assessing authorities. It is notorious in Michigan as elsewhere that personal property in large measure escapes the clutches of the assessor and that the personal property tax operates unequally, unjustly and inefficiently.

It is not necessary for me at this stage of the discussion to go into further details with tax statistics to show the iniquity of the general property tax, especially as applied to cities. I will content myself, therefore, with summarizing the principal points at which the general property tax breaks down in theory and in practice.

It breaks down in theory because it fails to distinguish the "shifting and incidence" of taxation. It assumes that a tax levied upon land values, a tax levied upon buildings, a tax levied upon money in the bank, a tax levied upon pianos, a tax levied upon stocks of goods, and a tax levied upon credits will operate in one and the same manner. It assumes that whatever property may be found upon a man's possession or attaching to him should, in the name of equity and justice, be taxed the same as

**The Iniquity  
of the General  
Property Tax**

all other property. It ignores the fact, for example, that a shoe-manufacturing concern doing a million dollars' worth of business may never have in its possession in property or credits more than a quarter of a million dollars, while a jobbing house doing the same amount of business is likely to have in its possession at one time a million dollars' worth of goods. Of two concerns doing the same amount of business and making the same profits, under the general property tax one might be compelled to pay several times as much in taxes as the other.

The general property tax also breaks down in theory because it assumes that all classes of property are equally benefited by the activities of government—*i. e.*, that tangible and intangible personalty receives the same proportionate benefit as land and buildings, and should, therefore, bear the same proportionate burden. While it may be true that certain forms of personalty are directly benefited by the activities of government, a little reflection will show that the benefits of government accrue primarily to real estate, which is a form of property that cannot move about.

The general property tax also breaks down in theory because it imposes a tax upon enterprise and tends to dry up the sources of revenue. As personal property accumulates in a city, as the bulk of capital seeking investment increases, as new improvements are made, the value of land steadily increases. A form of taxation that drives capital out, discourages enterprise and hinders the accumulation of personal property, not only defeats itself by causing personal property as a source of revenue to shrink, but also tends to diminish the value of real estate, and thereby strikes at the very foundation of tax resources. The personal property tax "kills two birds with one stone."

The general property tax also "falls down" in theory because it demands a degree of publicity in regard to private business affairs which is contrary to the principles of industrial freedom. I am somewhat amused to find myself protesting against too great a degree of publicity of private business. One of the fundamental principles of all sane reformers is that the turning on of the light is one of the most effective measures to overcome

**Inquisitorial  
Tax**



the rank abuses in business life which have grown up during the past. It is astonishing to me, however, that communities which even now usually fail to insist upon due publicity of accounting for railroad and public-service corporations, and fail to apply the principles of publicity to lines of business which could not be undertaken or carried on without special privileges granted by the state, should, nevertheless, tolerate and support, so far as legal enactment is concerned, an inquisitorial tax system which lays upon every citizen and the officials of every corporation the necessity to state under oath, in detail, not only the tangible property which they possess, but also the moneys, accounts, bonds, mortgages and credits of every description, as well as their debts and obligations of every description. As well said by "Lawyer Thorndike," in his dialogues on the "Assessment of Personal Property for Taxation in Ohio," "No citizen who has any self-respect will disclose his real financial condition on a tax-list, and yet if the Ohio tax-list were made out as the law intended, every citizen's real financial condition would be made public to the tax assessor, to the county auditor and to the public. If the tax-bearer is rich, he desires to conceal the fact from the taxing officials to avoid the payment of taxes. He does this to the best of his ability, and wonderful ability is displayed in that direction. If he is involved, but doing business and in fair credit, he will not disclose his condition, because it would be ruin to do so. If the State of Ohio could compel its tax-bearers to disclose their actual condition it would precipitate failures enough to bankrupt half the people. The law seeking to compel men to disclose their financial condition on a tax-list is, therefore, a failure, and will be less respected and less observed the better it is known."

It may be well to add that whatever the benefits to be derived from publicity in regard to private business affairs, they certainly will not accrue from the publicity obtained through the tax office.

The general property tax is a failure practically as well as theoretically. Of course, if it is wrong theoretically, it must fail practically.

One great difficulty with the attempt to tax personal property



in cities is that it can run away or hide. The system fails in practice, as the figures from almost any assessment report will show. The bulk of personal property escapes taxation. It does not take a wise man to see that any system of taxation which does not succeed is a failure.

**The System  
a Failure**

The general property tax also fails in practice because it violates the fundamental conditions of just taxation. While the assessing officers are unable to catch the bulk of the personal property in existence, what they do catch is the property that is least able to pay. Unfortunate heirs whose property is going through the Probate Court, small investors who do not do business on a large enough scale to enable them to arrange for a cousin or aunt in a distant state to loan their money, and a few men of rare conscience are hit by the personal-property tax, while other classes of citizens generally escape.

This leads to the final practical condemnation of the general property tax based upon the facts of experience, which show that this system of taxation operates as a public school of perjury and concealment. The main purpose of human government is to lift the race of men out of the natural environment of ruthless and unregulated competition in which all animal life finds itself until protected by social organization. The purpose of human government is to establish such rules for the game of life as will guarantee to every individual an equal opportunity to play his part well. "Politics is religion in action." It is, therefore, with a sense of unmitigated horror that we come to a realization of the part which government often plays in the life of the people. It is well known that during a large portion of the history of New York City the police department, maintained at enormous expense, has been literally a school of crime. The same is true, and perhaps to an even more marked degree, of the city councils and state legislatures of many cities and commonwealths. One who reads Mr. Owen Wister's article in the October "Everybody's" portraying "The Keystone Crime," and then reflects that the master thief who for a generation directed the looting of that great commonwealth, in the midst of his

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Human Gov-  
ernment**

career served as chairman of the National Committee of one of our great parties and successfully managed the campaign for the election of a President of the United States, and later, in conjunction with his fellow-pirate from the State of New York, succeeded in forcing Theodore Roosevelt to accept the Vice-Presidency against his will for the purpose of laying him on the shelf, will surely have to admit that even in this country government falls far short of its ideal purposes. At the basis of this reign of political criminals lies the stifling of the citizen's conscience, brought about through the exigencies of a competitive system where the rules of the game put a premium upon cunning and greed. By no means the least important of these rules are the tax laws of the various states and cities, which say to the private citizen, "Be honest and fail. Lie and perjure yourself, and succeed." So far from aiming to establish such a rule in public business, it is the very fundamental purpose of government to eliminate as far as possible such rules of conduct from all departments of life. Any game of business or pleasure where all the competitors are, in the nature of the case, compelled to accept the standard set by the most unscrupulous one of their number, runs directly counter to the purposes of government and civilized life.

For these reasons the general property tax should be abandoned in theory and practice, especially in so far as it relates to cities. It has ravished the conscience of the people. As we love law, as we love freedom, as we love truth and social progress, we should banish this public enemy.

# Substitutes for the Personal Property Tax in Cities.

By **PROF. CHARLES EDWARD MERRIAM,**

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The personal-property tax in American cities is doomed to certain destruction. Long experience has shown that the attempt to carry it out results in a violation of almost all the fundamental principles of fair taxation. As Professor Seligman says: "It sins against the cardinal rules of uniformity, of equality, and of universality of taxation. It puts a premium on dishonesty and debauches the public conscience; it reduces deception to a system, and makes a science of knavery; it presses hardest on those least able to pay; it imposes double taxation on one man and grants entire immunity to the next."<sup>1</sup> The impossibility of fairly administering the system makes it, furthermore, a powerful weapon in the hands of the corrupt official. Complete immunity of income from personal-property tax, or complete confiscation, is an alternative which may be presented with telling effect; and there are also convenient stages between. The personal-property tax acts as a subtle poison, often corrupting the foes of corruption, and paralyzing the nerve-centers of reform at critical moments in the life of the community. No more ingenious method for wholesale demoralization of the populace was ever embodied in the institutions of any state.

**Substitute  
Taxes** As possible substitutes for the personal-property tax, a number of forms of revenue are available. The most important of these possibilities will be briefly examined here.

<sup>1</sup> *Essays on Taxation*, pp. 57, 61.

An elaborate system of licenses for various occupations is in vogue in many of the Southern cities of the United States and in European countries. The occupation from which the largest amount of revenue is derived is the liquor business, from which an increasing sum is received in American cities. This license is imposed both for police and revenue purposes, but it is not likely that it will be increased materially in the large cities, where the general rate is now from \$1,000 to \$1,500 a year.

Another special form is the mercantile license of Philadelphia and St. Louis. In the former city, where the personal-property tax is only 10 cents per \$100, there is a special tax or license based on the volume of business transacted annually by dealers in merchandise. Retailers pay at the rate of \$1 per \$1,000; wholesalers at the rate of 50 cents per \$1,000; exchanges and boards of trade at the rate of 25 cents per \$1,000. From this source about \$350,000 is collected annually, but this amount goes to the state, and the city has no share in it. In St. Louis there is a merchants' and manufacturers' special tax and license. On merchandise and on manufacturers' material there is a tax of 92 cents per \$100 (regular tax 2.19 [1904]), and on the gross sales a city license of \$1 per \$1,000 is required. Thus a merchant having a stock of the value of \$10,000 and sales of \$50,000 will pay on the stock a tax of 92 cents per \$1,000, or \$92, and on sales a license fee of \$1 per \$1,000, or \$50—a total of \$142 tax and license.

On the whole, it is not likely that considerable revenue will be derived in the future from license systems. Such systems are expensive to administer, often irritating and vexatious, and are likely to be unequal or unjust in their incidence. Where particular occupations are subject to license for police purposes, incidental revenue will be derived; and it is probable that the number of such special licenses will increase as time goes on; but it does not seem probable that such licenses will be made a much larger item in municipal revenue. They cannot be regarded as very important sources of future revenue.

Compensation for franchise grants to public-service corporations, such as street railways, gas, electric light, and telephone

companies, might, if desired, be made a source of profit to the municipality. Car licenses, lump-sum payments, street-paving requirements, and percentages of gross receipts are various methods of securing such revenue.

**Franchise  
Payments**

For a time it was thought that such revenues might be employed to defray a considerable part of the expenses of government, and thus to relieve the pressure of taxation. More careful analysis has shown, however, that such receipts are, in reality, forms of indirect taxation bearing unfairly and unequally upon the economically weak. The working man or woman, on a small wage, pays not only a higher proportion, but a higher gross sum than the man of millions, in the case of street-railway receipts, while the same principle holds good, in less degree, in regard to gas and electricity. Revenue obtained this way bears, therefore, too heavily on those who are least able to support its weight, and is not a desirable form of permanent income for a municipality. Compensation should take the form of lower rates of service, or an improved grade of service, and should not be employed to cover general expenses of government. Such services should be furnished at a figure covering all items of cost, plus a reasonable profit, in the case of private ownership. In Chicago it is proposed to apply the city's share of the net earnings of the street railways to a sinking fund for the ultimate purchase of the system, or for the construction of subways.

As a substitute for the personal-property tax, a habitation or dwelling tax has recently been proposed. The Massachusetts

**Habitation Tax** Tax Commission of 1897, of which Professor Taussig was a member, strongly urged this tax.

A part of the New York Tax Commission of 1907, including Professor Seligman, has recently proposed it; and in the writer's report to the Chicago City Club on Municipal Revenues (1906) this form of tax was presented. The theory on which this tax rests is that rental value of habitation measures, roughly, the income of the occupant. Small rentals, under this system, would be exempted altogether, or a low rate assessed upon them, and a rising scale would apply as the rental rose.

The New York plan proposed to exempt rentals from \$200 to \$600, according to the size of the city, while the Massachusetts



Commission proposed an exemption of \$400. On the excess over this the New York Commission suggested a rate of 3 per cent. up to \$2,000, and above that a sliding scale reaching 20 per cent. in the case of rentals over \$20,000 a year. The Massachusetts Commission proposed a rate of 10 per cent. without progressive increase of rate. The advantages of such a tax are that it would be difficult of evasion, simple in administration, and not unfair in incidence. The rental value of property is easily ascertainable by the assessor, and cannot be concealed by the owner. Given the assessed value of the property, the rental value may readily be estimated. The exemption for low rentals, with the graduated increase as the rental value rises, distributes the burden of taxation with approximate equality. The graduation is necessary, since the percentage of income expended for rent tends to decrease as income increases. As a revenue-producer, there can be little question that a habitation tax would yield much larger returns than the present personal-property tax, without the accompanying features of fraud and unfairness that are now inseparable from the latter.

As a substitute for the personal-property tax, then, there are strong considerations that may be advanced in favor of the habitation tax. It combines the elements of equity and ease of administration, and makes possible the collection of the considerable sums which will be necessary to meet the growing expenses of American cities. The question of a habitation tax should be carefully studied in its administrative, political and economic bearings, with a view of substituting it for the present personal-property tax.

It should be borne in mind, however, that no satisfactory solution of this question can be reached without considering the municipal revenue system in its relation to the state system. Under a reorganized state-revenue scheme, it is probable that personal property will be reached also by corporation taxes and by inheritance taxes of a progressive character, and the extent to which it is so affected must necessarily be considered in connection with the adoption of the habitation tax.

**Advantages of  
Habitation Tax**

# The Taxation of Savings Banks.

By CHARLES E. SPRAGUE,  
President of the Union Dime Savings Institution,  
New York City.

The use of the term "savings bank" in this discussion will be restricted to the original type of savings bank, the only one recognized by the laws of New York, New Jersey and the New England States, unknown in some states and permitted in others. In an institution of this nature the governing body is merely a trustee for the depositors; its members have no capital invested, no interest in the profits; all the assets and all the earnings belong to the depositor. So important is this institution to the welfare of the public that the state intervenes to a large extent in the management, but at the cost of the depositors.

It is not left to the governing body of the savings bank to determine absolutely what investments shall be made; only certain approved securities may be purchased, not by any means those which produce the highest income, but those insuring absolute safety of the principal, and therefore bearing low interest. The proportion of various investments as regards availability is prescribed; the amount to be left uninvested is limited, so as to prevent the temptation to speculate. In many ways the powers of the trustees are restricted and the savings bank is de-commercialized, making it not a bank, not a financial enterprise for profit, but purely an investment machine for the custody and employment of small sums which in separate custody would be unproductive but which in the aggregate are highly beneficial both to the owners and to the public.

The state, furthermore, wisely safeguards the savings by maintaining a bank department, with numerous officials, for the purpose of seeing that the law is obeyed and that the institutions are properly and safely conducted. This is done by the machinery of reports and examinations, which entails large expenditures.

But it must be remembered that the cost is borne by the depositors; that each bank, according to its size, pays its share of the cost of supervision, so that these institutions are not by any means dependents on the bounty of the state.

The money deposited does not remain idle, but is at once employed usefully, to the great benefit both of the depositors and of the public. The mortgage loans which constitute the greatest class of investments, have

**Mortgage  
Loans**

been the means of developing the resources of the states; they have covered tracts of land otherwise lying idle. Translated into brick, stone and iron, they assist the industries of the country to a vast extent, and furnish to the taxing authorities a source of revenue; for it must be remembered that the real estate which secures these mortgages is taxed at its full value.

If the \$600,000,000 which the savings banks in New York State hold at this moment in mortgages on real estate were in scattered sums of \$300 or \$500, lodged in pockets, stockings and tea-pots, so much less capital would be actively employed and the rate of interest would be relatively higher. The tax-rate being levied on smaller values, would have to be higher, and this again would tend to drive industrial capital away. Without the many millions which the savings banks have loaned to municipalities, the public works, highways, parks, sewers, water-works could never have been so speedily and economically constructed and the cost spread over years to come.

Originally, therefore, it was believed that the savings banks conferred benefits on the community which were cheaply purchased by an exemption from the general-property tax. These benefits were, first, the economic advantages spoken of above as accruing from the mobilization of capital; second, the elimination of pauperism and vice by encouraging thrift and providence, resulting in decreased expenses for repression and correction. I purposely refrain from urging any consideration of ethics, basing the argument purely on dollars and cents.

It is the law to-day in most of the states having mutual savings banks that the deposits—that is, the amount standing to the credit of each depositor—shall be untaxable to him. But while legislators are very chary of taxing the depositor (who is a

voter), or of letting him know that he is taxed, various disguised methods have been introduced for doing it. "The Bank" is treated as if it were a separate entity from its depositors, and a portion of the collective assets is taken instead of a portion of the holding of each. These methods are usually in the form of a percentage of the aggregate amounts due depositors; but it remained for the New York legislative body to put the disguised taxation of the depositors' money into the most illogical, fallacious and vicious form of any — that of the so-called franchise tax on surplus, which will be discussed later. But all these methods result in one thing: the taxing of deposits — the taking from the depositor a part of his money for governmental purposes.

On what ground should the depositor or the associated depositors be taxed?

It cannot be for the same reason that the sale of liquors is taxed, as it cannot be claimed that there is in the thrift of the masses any danger to public morals.

It cannot be as a license for carrying on a lucrative business, for nothing of the sort exists; there is merely a trust.

There is no element of franchise arising from use of public property such as is assessed against corporations which occupy public lands, streams and highways. The trustees and depositors do not use an inch of the public domain for their collective use. The franchise conferred upon the trustees is the privilege of performing gratuitously a public service. The depositor has no privilege conferred upon him which is not his already; he has a perfect and indisputable right to lend his money on mortgage, or buy bonds with it, either personally or by an agent or trustee; but for the most excellent reasons, the savings bank as his trustee is severely restricted, so that his franchise is diminished, not enlarged.

The taxation of the "savings bank" is, therefore, a branch of the "personal property" tax and nothing else. It is simply taking something from the collective assets of the depositors, and that is precisely the same as taking the proportionate amount from each depositor, just as the taxation of a corporation is

equivalent to taking some of the property of each stockholder. But the corporation can to some extent pass along the tax to a consumer, while the savings-bank depositor, himself the consumer, has no such facility.

Thus the states, having placed the savings deposit on their books as exempt, tax it by indirection. The true reason is that it is easily pounced upon. The taxing authorities are like a lazy schoolmaster, who canes some small and studious boy because he is prehensible, while naughtier and more alert urchins escape. Therefore, having first freed the deposit from the property tax, they re-assess it indirectly. That very vigilance which has led to the strict limitations under which the savings banks operate has exposed them, through reports and examinations, to the scrutiny of the public, and thus they are an easy mark for the legislator, and so it comes about that the one class of personal property which, outside of clothing and furniture, the humblest citizen can acquire—the only investment practically which he can make—is inexorably taxed, while it is admitted that the vast majority of other investments escape taxation.

It is unnecessary here to say anything about the general personal-property tax, which will be treated by more competent writers. But I feel that I may quote from the report of the New York State Special Tax Commission (1907), page 8: "A general property tax upon the owners of personal property is everywhere, by legislators and economists alike, pronounced to be under modern conditions ineffectual, and therefore inequitable and unjust."

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Property Tax**

I have quoted this passage, with which I heartily agree, for the purpose of contrasting it with the remarks of the same commission (page 24) on the subject of the tax on savings banks. They recommend, in view of the experience of the State, what they call "a small increase" in the tax; which proves to be an increase of 50 per cent. They further point to the fact that the savings banks are now paying 4 per cent. interest, and allege that many rich people are depositing in savings banks to escape taxation. As these remarks embody all the defenses which can be made for the tax and are from a most responsible source, I think I am justified in treating them here.



1. The plea is sometimes made that the tax is (like the subject of an historic anecdote) "a very little one." No unjust tax can be excused on the ground that the rate is low. Moreover, the tendency to increase a tax when once imposed is illustrated by the proposal to add one-half per cent. to the original one per cent., which is to be paid over to "the localities wherein these banks are located." Thus the savings-bank tax, originally imposed on the plea of the need of the State itself for revenue from sources distinct from those of local taxation, is now to be localized as well, and regardless of needs, the localities are to supply themselves with spending-money by the simple process of drawing it from the savings bank, the state being their collecting agent.

2. The Commission says, as a reason for continuing, and even increasing, the tax: "Instead of the rate of dividends having been reduced, our New York City papers are filled with advertisements of the various savings banks in the city calling for deposits, on which 4 per cent. interest is promised." (Not promised, by the way, but declared for the *past* period; no savings bank can legally *promise* a rate). The apparent inference intended to be drawn from this mention of 4 per cent. is that the tax has caused the savings banks to prosper to such a degree that they are able to credit their depositors 4 per cent. But this is a case of *post hoc, propter hoc*. The raise of interest rate is mainly due to the high prevailing rates of interest in general for the past three years; beyond this it is a procedure for cutting down the surplus in order to avoid the tax in future. The surest way to escape taxation is to have no surplus and no undivided profits on which to base the tax.

3. The Commission further says: "The experience of later years shows that savings banks have been utilized by persons of great means for the very purpose of escaping taxation." That is, to escape the personal-property tax, which the Commission itself has pronounced "inequitable and unjust." In order to punish the depositors of great means for their legal acts, the tax is to be imposed on the people of small means also, who have no other channel of investment than the savings bank.

These large depositors are not very welcome to the savings banks, as is shown by the fact that many of the banks have

adopted regulations establishing a maximum far below that prescribed by law; refusing to receive more than \$1,000, say, while legally they might accept \$3,000.

If the State would abolish its "inequitable and unjust" personal-property tax this question would be solved; but so long as it remains, the desire to escape it—again quoting from the report of the Commission—"arises from a laudable, just and widespread sentiment that all should be taxed alike."

The amount in savings banks of the character referred to is small in the aggregate, as not many wealthy persons are usually

**Rate of Interest** willing to be satisfied with the savings-bank rate of interest. When the general rate falls temporarily below that which the savings banks can steadily pay, then there is something of an influx of investors' money. This, however, could not amount to a great deal were it not that there is nothing to prevent one from depositing in each of the 127 savings banks in the State. This multiplication of accounts might be prohibited, as it is in England. In that country a depositor's limit, even if in several banks, is £250, and any excess is forfeitable to the Crown. Here, a prohibition against paying any interest on the deposit of one who already has an account in another savings bank would be equally effective in practice if enforced.

The person who deposits in many savings banks is performing, as the law stands now, a perfectly legal act. He is no more escaping his lawful share of taxation than is he who invests in the shares of a corporation. If this act is a public evil, it should be prohibited and means provided for enforcing the prohibition; but it should not be punished, or rather avenged, by a penalty upon a number of other depositors who have not been guilty of such action and could not be for lack of means.

Admitting that savings banks hold *some* of the capital of the rich, it must be remembered that they hold almost *all* the capital of the poor, and that the latter is not relieved

**Surplus and Undivided Profits**

by the presence of the former. The New York State law imposes a tax on each savings bank, which is measured by the "par value of its surplus and undivided profits." Let us consider the meaning and the consequences of these words.

The "surplus" is often spoken of as if it were a separate fund, separately invested and separately managed, having no relation to the depositors. As a matter of fact, it is merely the arithmetical difference between the total standing to the credit of depositors, which they are at liberty to draw, and the estimated value of the total investments. In its origin it is undivided profits belonging to the associated depositors and earning more profits for them.

If for every \$100 of deposits there are \$110 of investment, it is evident that the earnings will be greater than if there were only \$100 or \$101. Suppose the expenses to be 25 cents on \$100, and the average income to be 5%. The bank having a surplus of 10% will have as net earnings for distribution \$5.25, while one without surplus would only have \$4.75. The latter cannot possibly pay 5% to the depositors without ultimate bankruptcy; the former can pay 5%, and also add  $\frac{1}{4}$  of 1% to the surplus each year, thereby increasing still further its earning power so that finally an extra dividend may be paid.

The depositor is at liberty to withdraw, and then he cannot take his part of the surplus with him any more than a member resigning from a club can take away part of the furniture and books. The benefits of an association are for those who remain, not for those who quit.

It has been said, even in legislative debate, that the depositor "never gets" any of the surplus. This shows dense ignorance of the functions of a surplus. A stockholder in the Chemical National Bank gets 400% dividends; if the surplus were not working for him he could not realize more than 10%. Could it be said that he "never gets" any of the surplus?

In the first proposition submitted for taxing savings banks it was stated that the surplus of the savings bank corresponds to the capital of the bank or trust company. But there is just this vital distinction: the capital of the bank draws from the earnings while the surplus of the savings bank contributes to them.

The surplus is all undivided profits. It belongs to the associated depositors just as the deposits themselves belong to the individual depositors. The money to pay the tax comes out of the same safe as that used for any other disbursement. But it

may make an important difference in the management of the institution whether the calculation is made upon one set of figures or another.

The effect of basing the computation on the surplus is to say to the trustees, "The more cautious you are in keeping down expenses and the more prudent you are in reserving part of the earnings against a day of depression, the more you will have to pay towards the expenses of the State."

The tax is based, according to the statute, upon the "par value" of the surplus and undivided profits. The words "par value" in this connection are absolutely meaningless. The surplus cannot have any par value, as it is merely an arithmetical deduction, not a definite financial entity. The Court of Appeals practically ignored the word "par" in construing the act and referred to a section of the banking law, which prescribes that certain securities shall be reckoned below par in determining "the surplus."

The intent of the words "par value of surplus" was doubtless to have the surplus computed with the securities at par, although the Court of Appeals nullified this. But among the assets of many savings banks are pieces of real estate; what is their "par" value? The comptroller has arbitrarily taken this as the market value; although it is very evident that if "par" means anything at all it is the contrary of "market."

Had the tax been imposed on the divided instead of the undivided earnings, making it a percentage of the interest-dividends credited to depositors, the true principle of taxing according to ability would have been observed, the reservation of a reasonable surplus as a margin of safety would have been encouraged, and a basis of fact, not of opinion, for the figures of the tax would have been established. But the legislator, while he may not care much for the depositor as a depositor, fears him as a voter; and the surplus was regarded as belonging to no one in particular, hence the individual depositor would not know that he was taxed.

This whole idea of disguised taxation, of miscalled "indirect" taxation, where he who pays the tax may not know that he pays it, and where the levy is not proportionate to the needs of expenditure; this may be admirable for a despotism but seems to me unsuited to a republic.

# The Effectiveness of Taxation.

By HON. FREDERICK N. JUDSON,

Author of "Treatise upon the Law and Practice of Taxation in Missouri"; Member of Missouri Tax Commission.

The great problem in modern tax reform in the United States is the substitution of an effective for an ineffective system of taxation. In his "Wealth of Nations," published in 1776, Adam Smith formulated four fundamental canons of a tax system: equality, certainty, *i. e.*, effectiveness, convenience of payment, and economy of collection. As the two latter relate rather to taxation procedure, the controlling principles of taxation are equality and effectiveness. When this famous book was published the complications of modern society, which make it so difficult for the tax-gatherer to reach the different forms of property, did not exist, and, as compared with the present time, society and investments were very simple.

## **Need of an Effective System**

The general property tax—that is, the taxation of all kinds of property, real and personal, through the enforced listing by the individual tax-payer of his own possessions—is a natural outgrowth of our political conditions, and in its requirement that all property, real and personal, shall be taxed alike, is a response to the popular demand for equality in bearing public burdens. The taxation of everything equally is a natural system for a democracy, which abhors privilege and class-distinction. In a primitive state of society, as in the rural districts of to-day, the system works fairly well, as personal property there consists principally of personal chattels, which the tax-gatherer can see and value. In the complexity of modern civilization it is impossible to tax everything, and the attempt necessarily results in discrimination and evasion and most shocking inequality. An ineffective tax is neces-

## **General Property Tax**



sarily an unequal tax, and the attempt to secure equality by ineffective means results in inequality. An ineffective tax, *i. e.*, a tax which can be evaded, will be evaded, and thus the honest and scrupulous, who will not evade, and trust and probate estates, which cannot evade, carry a burden of taxation which the dishonest and unscrupulous escape. Our general property tax, in its effort to secure equality, results in the most shocking inequality.

Blackstone says that the personal estates of our ancestors were so trivial that they entertained a very low opinion of them, and that ancient law books did not even deign to recognize that species of property. Under modern conditions the value of personal property in a civilized community exceeds that of real estate. It includes not only movable chattels and possessions, but also money—the entire products of agriculture, mining and manufacturing interests, and the infinite forms of modern wealth. Real estate and personal property alike may through the freedom of our corporation laws be represented by paper evidences of title, which pass from hand to hand. Under our dual sovereignties and interstate relations the mobility of property, which is an essential feature of our modern industrial civilization, effectually paralyzes the efforts of the tax-gatherer.

It is clear that this ineffectiveness of a general property tax, and the wide-extended tax evasion, resulting from the utter failure of the attempt to trust individuals to give a correct return to their possessions to the tax-collector, has been a potent cause of unrest and popular discontent. The discriminations which result from this ineffectiveness of our taxing system are discreditable to our civilization. "The more personal property increases the less it pays."

The general property tax has retained its hold upon the American people against all theoretical objections as to its inconsistency with sound economic principles; but it is at last giving way before the convincing demonstration of its ineffectiveness. Its strong support hitherto was based not only on its harmony with our rooted prejudices, but upon the further fact that the majority of our legislators come from the rural districts,

### **Personal Property**

### **Why General Property Tax Continues**

where it works fairly well, and where the grosser evasions and inequalities do not exist. In the language of our Supreme Court, taxation in this country is eminently practical and is brought to every man's door. Public opinion is concerned less with the theoretical economic differences as to the shifting of taxation or duplicate taxation, as in the taxation of mortgages, than it is with the practical failure of the property tax to reach the forms of wealth invested in personal securities.

Another practical consideration affecting the general property tax system of our American states is the impossibility of securing a uniform assessment of property values as between the different counties of the state. Local assessments made by local assessors are made high or low according to local needs, and where such local assessments are made the basis of the general property state tax there is a resulting inequality as between the counties of the state in bearing the burdens of state taxation.

The only remedy for this complication is the abolition of the general state property tax through the separation of the state and municipal revenues by special taxation upon licenses, franchises or by apportionment upon the counties and cities of the state. This would leave the general property tax to the local taxing districts, and should properly allow each community to make such modifications of the property tax as it could find most effective. This would necessarily result in the abolition of the state general property tax, and a number of our Western states are now considering constitutional changes purposed to effect this result.

The distinction between effective and ineffective taxation, as bearing upon inequality of taxation, could not be better illustrated than by our experience in this country with the question of mortgage taxation. It is the theory of the general property tax that property, tangible and intangible, within the jurisdiction of the state, is subject to taxation. Land within the state is taxed at its full value, that is, without deduction for any mortgage, while the mortgage is in theory subject to be listed by the holder at his domicile for taxation as personal property. Under the rule de-

#### **Abolition of the General Prop- erty Tax**

#### **Unequal Taxation**

clared by the Supreme Court of the United States in *Kirtland vs. Hotchkiss* (100 U. S. 491), the state of the domicile of the mortgagee can enforce a tax on the mortgage even when the mortgaged property is in another state. When the land is thus taxed without deduction for the mortgage, and the mortgage is taxed to the holder as personalty, there is double taxation upon the one value, the land and the credit based upon the land.

This system, though sustained as legally permissible, has proven unsatisfactory, not so much on account of its economic

**Failure to  
Reach Mort-  
gages**

injustice and unsoundness, as on account of its demonstrated ineffectiveness. The failure of the general property tax to reach mortgages as taxable personalty is well known. In its practical working the mortgagor paid his tax, as he could not evade, while the mortgagee escaped his tax because he could evade. In some states mortgaged debts are allowed to be deducted from taxable credits, but this is not the general rule. The sense of injustice felt by the mortgagor in being taxed the full assessed value of the land, when its value to him was reduced by the mortgage, was intensified by the fact that as a rule the mortgagee escaped taxation. Some states adopted the plan of separately taxing the mortgaged interest in the property; and it was held by the Supreme Court of the United States (*Savings Society vs. Multnomah County*, 169 U. S. 421) that this separate taxation of the mortgage interest, whether owned by a resident or non-resident, was within the lawful power of the state. This system, however, though sustained legally, proved practically ineffective. It resulted not only in decreasing the amount of loanable capital in a state, but in the shifting of the burden of the tax upon the mortgagor.

The State of New York, after experiencing the ineffectiveness of taxing mortgages as personalty, adopted the expedient of levy-

**Substitute for  
General Prop-  
erty Tax on  
Mortgages**

ing a recording tax, that is, a tax of one-half of one per cent. upon the face value of the mortgage for the privilege of recording, with exemption from all other taxation during the term of the mortgage. The distinctive merit of this system is its effectiveness. As all mortgages must be recorded,

the tax cannot be evaded, and as the State provides a public system of registration, the tax may be justified as a compensation for the privilege. The reasonableness of the amount of the tax is such that the mortgagor readily pays it as a condition of his loan, and loaning capital is attracted to mortgage investments by the exemption from taxation. The effectiveness of such a system of taxation in contrast with the ineffectiveness of the taxation of mortgages under the general property tax is so obvious that the example of New York will doubtless be followed in other states. States which have a general property tax system embodied in their constitution cannot adopt such a system of taxing mortgages without constitutional changes.

The principle of the necessity of the effectiveness of taxation as the only possible means of securing equality in taxation neces-

**Conclusion** sarily condemns any form of personal listing by a tax-payer of his own possessions, whether under a general property tax or under an income tax. It is fundamental in effective taxation that no man can be trusted to return his own possessions, or his own income, known only to himself, to the tax-gatherer. An income tax, therefore, can only be effective when it is levied upon the sources of income; and a property tax can only be effective when it is levied upon what the assessor can see and value.

# Taxation of Life Insurance.

By EDWARD L. HEYDECKER,

New York City.

Life insurance has become so amazingly intricate and elaborate; the number, form and variety of its policies so bewildering; the assets held by the companies so vast; the amount of the outstanding risks so enormous; the promises of its agents and of the advertisements of the companies so fabulous and alluring; and the story of its "dividends" so glittering, that most persons have forgotten the original purpose of insurance. Legislators have gazed at the millions of accumulated assets, forgetting the liabilities which offset them; have watched the millions in premiums flowing into the treasuries of the companies each year and have imposed taxes upon this great store of wealth, ignoring the motives which have prompted the payment of the premiums.

The primary object of life insurance—pure life insurance—is to provide for the needs of the prospective widows and orphans

**Object of Life Insurance** if the wage-earner of the family dies prematurely. The state or the community, although not named in the policy, is nevertheless a beneficiary under every policy to the extent to which it is relieved of the burden of caring for those who might otherwise be cast upon its bounty. The officers and directors of life insurance companies, however, in recent years, under the fierce competition which they have invited between themselves and in the absence of restraining statutes, have widely departed from the idea of pure life insurance and have created and urged the public to buy endowments, gold bonds, debentures, deferred dividends, and the thousand and one forms of policies into which they have introduced the two additional elements of investment and gambling.

The normal life insurance policy is the whole life or ordinary life policy, as it is usually called, providing for premiums each



year from the insured until his death. Every departure from that, whether it be an endowment, a limited-payment life policy, or some bond or debenture, is obtained by increasing the premium by adding what is known among actuaries as a charge for "pure endowment," that is to say, a sum each year which compounded at a certain rate of interest will produce a fixed sum at the end of a given term. This "pure endowment" does not purchase any additional protection to the insured, but does provide—not wholly but in very large part—the fund from which the large sums are paid at maturity or on surrender to living policy-holders, and as a consequence of these premiums inflated in this way with a "pure endowment," modern life insurance policies have ceased to be merely contracts to pay the beneficiaries on the death of the insured, and have, in addition, become assets in the hands of the insured, to be cashed or used as collateral for loans as occasion demands. And as a corollary, it follows that insurance companies have entered the domain of banks and trust companies to the extent that they hold vast sums of money for investment purposes instead of merely holding the necessary reserves under their policies.

The laying of taxes on the business of life insurance has been coincident with these two factors: the enormous growth of the business and the change in the form of policy from a pure insurance provision to an asset in the hands of the insured.

Another factor has entered into the problem, namely, the piling up of enormous surpluses. This has arisen as a consequence of the adoption of the deferred-dividend system.

**Elements of Premium** Every life insurance premium is necessarily in excess of the actual sum needed by the home office of the company to meet the current death claims and running expenses of the business. Each premium is composed of three elements (*a*) the reserve, (*b*) the mortality charge, and (*c*) the loading for expense. It is necessary to understand the meaning and effect of these three elements of the premium in order to understand the effect of a tax on life insurance, but the limits of this paper do not admit of an extended discussion of these points.

It is sufficient to say that in all life insurance companies these three items must necessarily be figured conservatively, that is to say, the interest rate assumed must be lower than the current rate, the mortality charge must be higher than the current mortality, and the loading for expense must show a safe margin, because insurance contracts are being written every day which may run for twenty, thirty, forty, even sixty years, and the premium cannot be increased to meet new conditions arising in the future. In every mutual company the excess charges in each of these three items are combined into a "dividend," so called, to be returned at the end of the year to the policy-holder.

The misnomer of "dividend" applied by the actuaries to this return of excess charges paid by the policy-holder for purposes of safety is the cause of most of the ill-advised taxation of life insurance. If the "dividend" is paid annually, it amounts to a return of from five to twenty-five per cent. of the gross premium. This, of course, when miscalled a "dividend" seems like an earning of from five to twenty-five per cent.—say twelve per cent. as an average—on premiums paid in by the policy-holders, and so has seemed to be a legitimate subject for taxation when the state has been looking about for new subjects for taxation.

If the "dividend" is deferred for ten, fifteen or twenty years, when paid at the end of the period it is composed of the annual "dividends" so withheld, compounded at the current rate of interest earned and increased by the survivorship scheme usually introduced into such deferred dividend plans. But when paid it is usually a substantial sum which apparently has come from large earnings upon the premiums paid in during the period. And so, whether the "dividend" be annual or deferred, by its very size it has invited attention, and by its misnomer of "dividend" instead of return of excess safety charges, it has seemed to invite, and has invited, taxation as a very lucrative form of investment.

If, then, a percentage tax is laid on life insurance premiums collected by a company, it can only be met by increasing the loading item, or what is the same thing, in reducing the size of the "dividend" or return of excess charges made to the policy-

holders. This is the favorite form of insurance taxation, and it results in directly increasing the cost of life insurance to the policy-holder. This tax is usually one per cent., sometimes two per cent., and has even been three per cent. in some cases. Even at one per cent. it produces enormous totals, and, to the extent that it operates, it checks the growth of life insurance, because the experience of most companies has been that when the dividend has been a substantial percentage of the premium, the policy-holder has usually applied the dividend to carry another thousand or two thousand of insurance. When the state, therefore, reduces the "dividend" by taxation, it deliberately deters men from taking out more insurance to relieve the state from the burden of caring for the possible dependent widows and orphans.

Furthermore, this percentage tax on premiums has been levied on all premiums, without regard to the form of the policy, whether it be an ordinary or whole life policy or a policy of endowment or some form in which the ordinary premium has been largely expanded by "pure endowment," which is wholly an investment and produces no insurance to the policy-holder for the additional premium paid.

If the state must have revenue from life insurance, let the percentage tax be levied upon that part of the premium which is in excess of the ordinary or whole-life premium. Let the whole-life premium be regarded as sacred to the purpose for which it is paid, namely, the protection of the dependent, and let the tax fall only on the part of the premium which has been paid in for purposes other than pure protection. This is not a difficult thing to do; it involves some additional bookkeeping on the part of the home office, it is true, and it would tend to discourage investment forms in life insurance, it is also true, but that is not a matter to be regretted. In fact, it is the simplest way to bring back life insurance to its original purpose of protection. The imposition of such a tax would tend to swell the total of life insurance greatly, for the life forms being untaxed, would be more popular, and when it is remembered that the endowment premium is

at young ages double the life-rate, and at older age 50% in excess of the life-rate, the effect of such a tax will at once be seen.

Another way in which life insurance has departed from its original purpose of protection is in allowing cash surrender values.

**Surrender  
Values**

These have now been introduced into all forms of policies which have "reserves," and when the policy is cashed the surrender value is usually the total reserve less a surrender charge of some small percentage, varying as to amount in the different companies. This allowing a policy to be cashed converts it into a cash asset in the hands of the insured, and the surrender of policies for cash is an increasing feature of modern life insurance. When, therefore, the insured abandons the idea of protection and surrenders his policy for its cash reserve, it would seem that the state might exact a percentage in the form of a tax, if the need of state revenue is so great that recourse must be had to some forms of taxation on life insurance.

In the same way modern life policies provide for loans upon the policy. These loans are determined in amount by the "reserve" held under the policy. Usually ninety or

**Policy Loans**

ninety-five per cent. of the reserve is available as a loan, upon which interest is charged and the amount of the loan is made a lien upon the policy, to be deducted from the face of the policy if death occurs before the loan is paid off. If recourse must be had by the state to taxation of life insurance, it is suggested that the tax should fall upon the conversion of the policy from life insurance protection to a cash asset. The state might thus charge a percentage tax on the surrender value when policies are cashed. In the same way the state might levy a percentage tax on the cash sum paid over on the maturity of an endowment, gold bond, debenture, etc.

Here again the danger of permitting insurance companies to enter the field which should be reserved to banks and trust companies is apparent. If every policy contains, as

**Quick Assets**

modern policies do, contract provisions for loans and cash surrender values, the home management is forced to invest its assets in a way to permit of quick conversion into cash, in the event of a large or sudden demand for loans and surren-

ders. This condition is being faced at the present time by all the companies, and the companies, in common with all moneyed institutions, are being subjected to a heavy strain. Policy-holders who desire pure protection, devoid of all investment and gambling elements, should not be forced into the same class with those who have taken their policies primarily because of the investment or gambling features. Let the law provide that life policies which do not contain surrender or loan values shall be wholly untaxed and let the tax be laid upon the banking side of the company's business. If a tax of two, three or even five per cent. were laid upon all loans or surrender values or maturing endowments, etc., it would doubtless produce a large amount from those who persist in using insurance companies as investment agencies and at the same time would emphasize the real insurance policies, devoid of such features and relieve the holders of such policies from the dangers and expense of the banking side of the business. Of course this suggestion is not intended to prevent a loan upon a life policy to cover a premium payment, temporarily made in moments of financial embarrassment by the policy-holder.

There has been heretofore no interstate comity in life insurance taxation. Each state has proceeded in the matter according to its own whim or the desire for revenue. The **Tax Concealed** usual form of tax has been a percentage tax on gross premiums or gross receipts. When this tax has been levied only on premiums paid by policy-holders residing within the state, it has been possible for the company to charge the tax paid against the resident policy-holders, and in some instances this has been done, and when so done it has been made apparent to the policy-holder that he has been singled out for taxation. He has, also been able to ascertain the amount of the tax exacted of him by comparing his taxed "dividend" with the untaxed "dividend" paid to others. But in some cases where no specific provision of law prevented it, the tax has been paid in gross by the company and charged to the running expenses of the company, and so has been borne by all the policy-holders. The worst offender among the states in this respect has been Wisconsin, which has had a high percentage tax on gross premiums received or on total gross receipts. This tax has been usually levied only on com-



panies chartered under the laws of the state imposing the tax, because the provisions of the reciprocal laws have prevented the state from laying the percentage tax upon companies of other states doing business within the state. This reciprocal law is found in the statutes of nearly all the states, and in substance provides that when any other state (*e. g.* Wisconsin) lays a tax upon a company chartered by the state enacting the reciprocal law (*e. g.* New York), there shall immediately be imposed a similar tax upon all companies chartered by the taxing state (Wisconsin) doing business in the state of the reciprocal law (New York). Further, that if any state (*e. g.* Wisconsin) shall by any law prevent the companies chartered under the state enacting the reciprocal law (*e. g.* New York) from doing business within the taxing state (Wisconsin), immediately the licenses of all companies chartered by the taxing state (Wisconsin) to do business in the state of the reciprocal law (New York) shall be withdrawn.

The purpose, of course, of such reciprocal laws is good, and the intent is to prevent unjust taxation and discrimination against companies chartered outside of the state, but in its operation two injustices result. First, when a state undertakes to levy a tax on gross premiums or gross receipts, it finds itself limited in such taxation to the companies chartered under its own laws, and thereby it imposes a burden of taxation on the policy-holders of such a company from which policy-holders in other companies chartered without the state are free. This is unfair to the home companies, as it handicaps them in the competition for business, and unfair to the policy-holders residing outside of the taxing state, for they are thus forced to contribute to the support of a state with which they have no connection save the mere incident that the company in which they have insured holds its charter from such state. Second, if a state is so ill-advised as to drive a company out of its territory by taxation or unjust requirements, the inhabitants of that state are deprived of the possibility of insuring in such company and may be confined to placing their insurance in home companies of high premiums and weak financial resources.

To conclude then :

Pure life insurance—pure protection for the dependent—should be wholly untaxed.

If taxation of life insurance is necessary to provide state revenue it should be confined to that portion of the premiums which is in excess of the whole life-rate or to the cash values obtained on surrender of the policies or on maturity of endowments, etc.; in other words, taxation should be confined to those operations and payments which are primarily for investment and not for protection.

The reciprocal laws should be repealed so that taxation, if deemed necessary, shall fall alike on all policy-holders within the state.

# Taxation of Railways.

By H. T. NEWCOMB,  
Washington, D. C.

No examination of the subject of taxation of railway property, revenue, or operations will yield illuminating results unless it is conducted in the light of complete realization of the primal nature of the fact that the charges for railway transportation are, in nearly all cases, closely limited by the sharpest sort of competition. As the space now available forbids even a recapitulation of the conditions of this competition, the writer may be permitted to refer to their presentation in an article entitled "Observations Concerning the Theory of Railway Charges" which he contributed to the *Yale Review* for November, 1900. It was then urged that the substantially regular and actually uninterrupted decline in the rates charged for railway freight transportation, which had absorbed all the economies due to more efficient means and methods and had also imposed upon the owners of railway bonds and stocks a reduction in the rates of interest and dividends, could adequately be explained only upon the assumption that the railways become participants in the competition in the ultimate markets for the disposal of the articles which they carry. The progressive decline in railway freight rates which had characterized the period prior to the year 1900 has continued to the present time. The facts of to-day<sup>1</sup> demonstrate the accuracy of the explanation presented seven years ago. Except with regard to the negligible portion of traffic, which consists in the carriage of articles that are themselves monopolized, the business of rail-

<sup>1</sup> It is not to be imagined that any reader of this article has been misled by the fact that, on account of the fall in the value of money during the last decade, lower rates are occasionally expressed in terms involving the representation of more monetary units.

way transportation is competitive, because each transportation service is a part of the process by which some commodity which must be competitively sold is produced and the cost of the transportation must be met out of the competitive price at which the sale must be effected.

In concluding the article referred to, the writer ventured to suggest some of the practical applications of the theory outlined, and among them the following:

**Shifting of  
the Tax**

“The method to be adopted for the taxation of railway property would appear to be affected as, if the conditions of railway transportation have been correctly interpreted, such a tax must be distributed among railway patrons.”

In other words, any tax laid upon railway property, revenue or operations is an indirect or “crooked” tax which, although paid in the first instance by the railway corporation, is inevitably shifted, through the adjustment of rates, to the persons for whom services are performed. The process by which this transfer of the burden of taxation is effected may be somewhat slower and less apparent to the casual observer than in the typical cases of such shifting of taxes commonly cited for illustrative purposes, and may be more or less retarded by the ingenuity of law-makers in devising obstacles, but it is none the less certain to occur. In the most difficult cases, those of taxes upon gross or net revenues, those accustomed to the precise use of economic terms, may prefer to speak of the process of transferring the tax from those who pay it in the first instance to those upon whom the ultimate burden must fall as a “diffusion” rather than a “shifting”; but whatever term may be adopted, it is evident that the ultimate consequences are similar.

The fact, a little surprising to some who have recently heard loud boastings of the “abolition of the state tax,” which on investigation were found to be based merely upon a change from direct taxation to indirect taxation through the medium of new and disproportionate exactions from transportation; that taxes levied upon railways are, like other taxes, a burden upon the public, and should, therefore, be kept as light as is consistent with adequate provision for

**Indirect  
Taxation**

the necessary expenses of a government economically administered, is thus established. Nevertheless there is an element of potential popularity in indirect taxation of this sort which ambitious and shallow or unscrupulous politicians are not likely to overlook. Voters who never see the tax-gatherer are notoriously complacent under burdens of taxation which, if directly imposed, would arouse effective opposition, and they commonly submit without protest to wastes and extravagance in administration that would be impossible if the costs of government were apportioned directly among the citizens. Just as the Federal system of indirect taxation has led to Federal wastefulness, so the newer system of indirect taxation in the states is leading to state extravagance, and even providing a convenient cloak for dishonesty and fraud. Misled by the pretense that the burdens of government have been taken from the shoulders of individual taxpayers and shifted to corporations, the voters of many states have already shown themselves more willing to bear with extravagant expenditures under the new system than, under the old, to meet the legitimate expenses of economical administration. Against this danger there is no protection except in that general public enlightenment which involves full realization that productive industry must, in the end, bear all the burdens of both direct and indirect taxation.

Railway transportation permits the localization of industry and enables the productive energies of communities to be devoted, in the main, to the lines of production in which they are most efficient while securing the necessities and luxuries which could be locally produced, if at all, only with much greater difficulty, by exchanging their surplus for the portions of the surplus products of other regions whose capacities are different. Obviously any tax upon railway facilities, earnings or operations must constitute a hindrance upon these exchanges. Such a tax must enhance railway charges (or, what is the same thing, retard their normal downward movement) and thus tend to restrict the number and extent of territorial exchanges. This, however, no more leads to the conclusion that railway transportation should be exempt from all taxation than the fact that every tax falls finally upon production and upon producers leads to the conclusion that there should be

**Inequitable  
Discrimination**



no taxation. It does, however, support and establish the conclusion that any disproportionate taxation of railway transportation constitutes inequitable discrimination against production in one of its most efficient forms. The correct principle is that which approves itself to the moral sense of mankind as well as to sound economic judgment, namely, that railways should be taxed no more and no less than other agencies of production.

The form which equitable taxation should take is here, as elsewhere, of profound importance. Certain popular methods of

**Burdens upon  
Productive  
Industries**

taxation cannot, even with the most intelligent purpose, be rendered practically compatible with the equality of burdens which has been shown to be necessary. It is, of course, clear that such

equality excludes that kind of "crooked" taxation which takes the form of a "franchise" tax, for it is only in order to lay an especial burden upon an "intangible," if not an imaginary form of property, in addition to the tax legitimately imposed upon actual physical property, that such taxes have been devised. The state or municipality which lays such a tax simply adds an especial burden to the productive industries conducted within its limits for the purpose of selling in competitive markets beyond those limits, and thereby ordains that its citizens, individual and corporate, shall be at a disadvantage in every competitive market in which they meet those of states or communities whose systems of taxation are based upon principles that are more nearly correct.

Experience has shown, what might not, perhaps, have been learned in any other way, that the application of the general

**General Prop-  
erty Tax as  
Applied to  
Railways**

property tax to railway property does not lead to an equitable and proper adjustment of the burdens of taxation. The rivalries of different communities within the taxing district, if it is a state, and the ease with which the taxing body

can create a superficial appearance of having shifted burdens from "the people" to the corporations (what, pray, are corporations if not organizations of "people"?) all work together to produce inequity.

Eliminating this method, there are left those which depend upon adjusting taxation to capitalization or to earnings, either

gross or net. The capitalization basis must be rejected as inexact and as at least as likely as the general property tax to lead to unequal burdens. Of those remaining, the net earnings tax would be preferable if the basis therefor could be discovered with precision and without involving an inquisitorial examination of a private aspect of the public business so taxed. As it must be rejected, however, we have arrived by a process of elimination at the gross-earnings tax as the only one against which there are not insurmountable objections. While there is a point at which an excessive tax upon gross revenue might constitute a hindrance to the development of increasingly efficient methods, the wisdom of legislative bodies must be trusted to obviate that danger. A moderate gross-earnings tax can be collected at a minimum cost, it can readily be adjusted so as to equalize the burdens of transportation and other forms of production, and it offers the least possible incentive to the imposition of excessive taxation to support an extravagant administration of the people's business.

**Gross Earnings  
Tax Efficient**

# The Taxation of Railroads and Other Public-Service Corporations.

By **HON. FREDERICK C. HOWE**  
State Senator, Cleveland, Ohio.

The governments of all countries have recognized the right, if not the propriety, of making use of the power of taxation for two purposes: (1) for obtaining revenues for the maintenance of the state; and (2) for the purpose of promoting social, sumptuary, industrial or moral ends.

Heretofore, taxation has been one of the most powerful agencies of class rule. The system of taxation in vogue in any country is usually a reflection of the economic interests of the class in control of the government.

## **Object of Taxation**

That has been true of America ever since the Civil War, just as it has ever been true of Great Britain. Almost for the first time in history there are evidences that taxation is to be used by the people not only for the collection of revenues, but for the correction of the abuses of the present industrial order.

I propose to discuss the taxation of railways, with which may be included all public-utility or franchise corporations, from the social and industrial as well as the fiscal point of view. Two facts differentiate this class of corporations from other industries. One is the enjoyment of some special privilege from the government or the occupancy of some natural and limited location or right of way which makes of the industry a monopoly. The second distinguishing feature, and the most important from the point of view of justice in taxation, is the fact that much of the value which these corporations enjoy arises, not from any labor of their owners, but from the combined labor and industry of all of the people. The watered securities of the public-service corporations are social values, in all respects like the site values of a great city.

## I. TAXATION FROM THE POINT OF VIEW OF REVENUES.

That all property should be taxed at its full value in money is a fundamental axiom of state and local taxation in America. This is the underlying idea of the general property tax. Under the majority of our constitutions every form of property, whether real or personal, tangible or intangible, is required to be taxed. This idea is a survival of the conditions which prevailed in America prior to the Civil War when all wealth was visible and accessible to the assessor.

Applying this idea to the new forms of corporate wealth which have come into existence during the last generation, the greatest confusion has arisen. There is no uniformity in the taxation of public-service corporations. In some states assessments are made by the county assessors. The valuation is obtained from a return of the company, and is based on an enumeration of the cars, locomotives, right of way, cash on hand, and other physical elements which enter into the property. Manifestly such a valuation ignores the chief element in railway values. It fails to take into consideration the corporation as a unit; it ignores the franchise or monopoly value which the company enjoys. Such a plan obtains in the State of Ohio. It is in effect taxation on scrap value. The railways are appraised at less than one-fifth of their real value, while other property is on the duplicate at from forty to one hundred per cent. of its value.

In other states licenses have been added or substituted for the general property tax. The rate is fixed arbitrarily by the legislature at a certain sum per mile or is graded on the gross earnings. License taxes have been devised by the companies to avoid more serious burdens. They are arbitrary and bear no necessary relation to the earnings of the property or to the taxes borne by other forms of wealth.

The most frequent device of the public-utility corporation to avoid its fair share of burdens is taxation on the gross receipts. Such a tax is defended because of its ease of determination. It is the tax to which resort is always had when these corporations are crowded by a popular demand for reform. Aside from the very manifest fact that

**Corporate  
Taxation****Licenses****Gross Receipts**

gross-receipts taxes as levied are inadequate and very much below the percentage paid by other forms of property, such a tax is most readily avoided by corporations doing an interstate business. For while the Supreme Court of the United States has given color to the belief that receipts from interstate commerce might be taxed by the individual state, the opportunities for concealment and insincere bookkeeping are so great that the tax is difficult to assess. Moreover, such a tax is very unfair as between different companies. The operating expenses of railways range all the way from fifty to one hundred per cent. of their receipts. A tax which is hardly felt by one company might be sufficient to bankrupt another. It might be a burden of two per cent. on the net income of one, and of one hundred per cent. on the net income of another.

These forms of railway taxation, whether by means of licenses, taxes on gross or net earnings, on tonnage or passengers, have crept into the laws of our commonwealths as devices to evade taxes. They have been superimposed upon the general property tax or substituted for it during the years when the public was indifferent to state affairs and ignorant of the relative burdens borne by different classes of property.

A tendency is manifest in recent years towards the abandonment of all these methods of taxation and a return to the general property or ad-valorem tax, but with this important modification: Whereas valuations were formerly made by an enumeration of the parts which go to the making up of a railway, now the valuations are obtained of the property as a unit or an entirety. The aim is to assess the corporation by the same rule that any other property is taxed, whether it be a house, a piece of land, an engine, a boiler, or any other completed thing.

Taxation by the unit rule seems to best satisfy the American idea that all property should be assessed at its full value in money. It assumes that the best measure of the value of a railway is its earning power, which is reflected in its stock and bonds as sold on the stock exchange. The total value of the capital stock is obtained by multiplying the total number of shares outstanding by the average value of the shares sold. To this is added either



the par or the market value of the indebtedness of the property. In order to obviate any fictitious values due to temporary changes in market quotations, an average of the sales for a limited period of time is taken. This gives the total value of the property. It is the value in the market as a going concern. The aggregate value of the stocks and the bonds includes the value of the franchise as well as of the physical property. This offers one measure of value. A second method of valuation, and a means of verifying that obtained through the stocks and bonds, is the capitalization of the net earnings. For the income of the corporation over and above operating expenses is the chief determinant in its value. An average of these two valuations gives a pretty accurate appraisal of the property as a unit.

Inasmuch, however, as railways and transmission companies are not limited to a single state, it is necessary to find some means for distributing the valuation so obtained among the various taxing authorities. The same thing is as true as between the counties and cities within the same state. And this has generally been done by assuming that the proportion which the mileage or the gross earnings within the state or the county bear to the total mileage or total gross earnings of the company is the proportion of the valuation which should be assigned to the state or to the county for purposes of taxation.

At least a dozen commonwealths have adopted this method in the valuation of some or all of their public-service corporations.

**Illustration:** This, too, is the method adopted by the United States Census in a bulletin entitled, "Commercial Valuation of Railway-operating Property in the United States." Let us see how this plan works out in practice. In Ohio the railways and nearly all of the public-service corporations are assessed by county officials. In the appraisal of a railway the assessor may only take into account the tracks, cars, locomotives, equipment, etc., and in the case of a franchise corporation, an enumeration of the tracks, wires, poles, mains, pumping-station or generating plants and equipment. Under this procedure the railways of Ohio were assessed in 1904 at \$133,858,000, or \$14,555 a mile of single track.<sup>1</sup>

<sup>1</sup> Auditor of State's Report, 1904, page 457.

The valuation obtained by the Census Bureau through the appraisal of the stocks and bonds and a capitalization of the net earnings was \$689,797,000, or \$75,000 per mile of single track. The value for purposes of taxation was less than twenty per cent. of the selling value of the property. Even greater disparities exist as to the local franchise corporations. The total taxes of the railways of Ohio amounted in 1904 to \$478 per mile. This includes a one per cent. tax on the gross receipts, which was recently added to satisfy the growing demand for the taxation of this class of property. In the same year the railways of Massachusetts paid \$1,472 per mile of single track; those of Connecticut paid \$1,259, and those of the District of Columbia \$1,349. In these states the franchise tax has been adopted. It has been estimated that the franchise value of all of the public-utility corporations of Ohio amounts to a billion dollars. Under the laws as they now exist this sum is relieved of taxation entirely.

New York State has adopted the franchise tax in the case of its street railway, gas, water, electric light and other local public-utilities corporations. No rules are laid down in the law to determine the valuation. Franchises are treated as land or site values. The law provides that "All franchise rights, authority or permission to construct, maintain or operate in, under, above, upon or through any streets, any mains, pipes, tanks, conduits or wires," etc., are termed special franchises, and are valued as real estate. This act, passed in 1899 while President Roosevelt was Governor, was immediately attacked as unconstitutional. Its legality was affirmed by the Court of Appeals of New York in 1903. It was later affirmed by the Supreme Court of the United States, May 29, 1905, in the case of the People of the State of New York *ex rel.* The Metropolitan Street Railway Company *vs.* The State Board of Tax Commissioners.

In discussing the New York Act, Earl, referee,<sup>1</sup> said: "The real value of any street railway must be made up of the combined values of all its property and its franchises after deducting

<sup>1</sup> The People *ex rel.* Metropolitan St. Ry. Co. *vs.* State Board of Tax Commissioners.

all its debts and liabilities, and such residue of value will generally be represented by the value of its share stock; and the latter value depends upon its earning capacity. . . .

**The Courts on  
the New York  
Law**

There can be no better measure of the value of the share stock than its saleable value during a considerable period of time in a public market open to free competition when it has not been enhanced for purely speculative purposes or from other temporary causes."

On review in the Court of Appeals of the State of New York, Justice Vann said: "While all attempts of municipalities to undermine or destroy franchises by changing the terms of the grant have been promptly repressed by the courts, there is no case which holds that a franchise, whether general or special, cannot be taxed the same as other private property."

In affirming the decision of the Court of Appeals of the State of New York, Justice Brewer of the Supreme Court of the United States said: "We had occasion to review this subject in *Adams Express Company vs. Ohio*, 166 U. S. 185, where we said: 'In the complex civilization of to-day, a large portion of the wealth of a community consists in intangible property, and there is nothing in the nature of things or in the limitations of the federal constitution which restrains a state from taxing at its real value such intangible property. . . . It matters not in what this intangible property consists—whether privileges, corporate franchises, contracts or obligations. It is enough that it is property which, though intangible, exists, which has value, produces income and passes current in the markets of the world.' To ignore this intangible property or to hold that it is not subject to taxation at its accepted value, is to eliminate from the reach of the taxing power a large portion of the wealth of the country.'"

In *State Railroad Tax Cases*, 92 U. S. 575, 603, Mr. Justice Miller, speaking for the Court, said: "That the franchise, capital stock, business and profits of all corporations are liable to taxation in the place where they do business, and by the state which creates them admits of no dispute at this day."

There is no longer any doubt of the legality of including franchise values in the assessment of corporations or of the constitutionality of valuation obtained from the stock and the bonds or the capitalization of the net earnings.

Prior to the passing of the Ford Franchise Tax measure in New York the total valuation of all the local public-service corporations of the State was \$96,000,000. In the first year of the operation of this law these valuations were increased by \$170,000,000. In 1906 the valuation of the special franchises had been increased to \$470,900,000, of which sum \$361,500,000 was upon the franchises of Greater New York. Under this law the taxable value of these properties was increased nearly 500 per cent.

**Operations of  
the Ford Franchise Tax in  
New York**

Every consideration of justice seems to demand the taxation of this franchise, monopoly or social value the same as any other property. And a valuation through the stocks and bonds corrected by means of the capitalization of the net earnings seems to be the most satisfactory method of getting at the valuation of the property. For the market value of a railway or any other public-service corporation is in all respects like the value of a piece of land. It is determined by its earning power.

**II. TAXATION AS A MEANS OF REDRESSING THE EVILS OF PUBLIC-SERVICE CORPORATIONS.**

We have seen that taxation is often used for social, industrial or sumptuary purposes. The power to tax is the power to destroy, and it is often used for destructive purposes. Many of the tariff duties are prohibitory. They are designed to destroy trade. The internal tax upon oleomargerine is levied for the purpose of limiting its use in competition with butter. The tax of 90 cents a gallon on whisky as well as the high-license duties of our states are prohibitive no less than revenue measures. Is it not possible that the public-service corporation may be so taxed as to yield a large revenue and at the same time correct many of the abuses which are now engaging the attention of the nation, the states and our cities?

Let us examine the elements which enter into the value of a railway or a franchise corporation. The primary element in its market value is its site, not its equipment. It is a monopoly because it occupies a favored location which cannot be duplicated.

**Elements of  
Railway and  
Franchise Value**

In the case of a franchise corporation, the community itself is the landlord. The corporation is a tenant in perpetuity or under a terminable lease. Year by year the earnings increase through the growth of population. The franchise corporations of Greater New York reflect the growth of population in their increased earnings as well as the value of the land which underlies it. And the same rule of reasoning which permits the ground landlord periodically to re-value the site of a great building, justifies the community in re-valuing the value of its streets and the taking in the form of taxes that which a private owner would take in the form of rent. The thing which distinguishes the public-utility corporation, whether it be a railway, transmission or franchise corporation, from all other industries is its identity with the land. It is this that makes of it a monopoly. It is this that excludes competition. It is this that lies at the root of the great problems of transit and service which are concerning the nation, state and city. And no solution of these problems can be secured, and no just system of taxation devised which does not recognize the similarity of their values with those of the land itself.

This being true, these corporations should be valued according to the same rules which prevail in the assessment of city land. To assess a public-service corporation as so much scrap iron, as is done in many states, would be like assessing the land underlying the metropolis of New York at its value for farming purposes.

Further than this, the value which these corporations enjoy in the market is social in its origin. It is created by the community itself. No act of the owner gives them the earning power which they enjoy. And only within certain limits does efficiency of management affect their value. Mankind is dependent upon the railways for every article of manufacture or consumption. As population and industry grows, so do their earnings. An examination of railway accounts or the annual reports of the franchise corporations shows that their earnings nearly double every ten years. The increase in population assures this. The growing interdependence of society upon its separate parts promotes it. Moreover, the franchises and privileges that these corporations enjoy are granted by the people themselves. They are created by law. No labor

**Franchise Value  
is Social Value**



enters into their making. They are a free gift from all of the community to a few of its members. This being true, the increase in value should be retained by the community, and this can best be done by means of taxation.

Within the past few years practically all of the railways and public-service corporations of the country have been merged under gigantic syndicates whose headquarters are in Wall Street. This is true of the franchise corporations of our cities no less than the railways, express, telegraph and other transportation agencies of the states. These corporations have become stock-jobbing enterprises. Their industrial functions are subordinate to those of the stock market. The motive of administration is to increase the value of securities rather than to promote efficiency of service or reduction in charges. With this motive in view, physical property is neglected and the interest of the public is sacrificed. The public, on the other hand, has no interest in the stock market. It is interested only in the best possible service at the lowest possible charge. This has been sought through legislative regulation and the creation of public-utilities commissions. This end can also be promoted by taxation. It is possible to so adjust the revenue system of a state as to promote the welfare of all of the people just as it is possible to benefit a few.

Under the laws as they now exist the community taxes the corporation for every improvement in its equipment. The addition of cars, the increase in trackage, the enlargement of facilities is punished by taxation. From the point of view of the community, however, these things should be encouraged. In the fall of 1906 the Great West, from the Mississippi to the Rockies, was clamoring for cars with which to transport its grain. All over the Northwest wheat and corn was stacked under the open sky awaiting transportation. Later in the winter there was a shortage of fuel. People burned their crops and outhouses. The railways pleaded an insufficiency of cars and motive power. Their tracks and terminals were inadequate. Yet every addition to equipment was discouraged by the community by taxation, while every increase in franchise value was permitted to go free. We encourage stock gambling by the same laws that discourage good service.

### **Mergers and Syndicates**

### **Improvements Taxed**

We should reverse the procedure, and abandon the tax upon property, and increase the tax upon franchise or social values. A tax upon improvements is a tax upon labor. A tax upon franchises, on the other hand, is a tax upon privilege. The former injures the community by discouraging improvements and better

**Tax Should be  
on Privilege**

service; the latter discourages speculation by limiting its possibilities. One way to improve the street railway service of our cities is to relieve the cars and equipment from taxation. One way to discourage unscrupulous finance is to tax franchise values out of existence. The same is true of all public-utilities companies. With this process carried far enough the public-service corporation would again become an industrial rather than a stock gambling enterprise.

This rule, it is true, is of even broader application. With the great anthracite and bituminous coal fields, the iron ore, copper and other mineral deposits taxed at their full market value, a great stimulus to production would follow. For if these great natural deposits were placed upon the tax duplicate at the value for which they are capitalized, an immediate stimulus would be given to production; while if the rate were sufficiently increased, the monopoly which now exists in these enterprises would be destroyed through the very necessity of the operators themselves. Production would be stimulated, and no combination would be strong enough to prevent the free play of competition.

But nowhere do the social values which result from society's own activities appear so clearly as in the public-utility corporations. And nowhere can taxation be so readily adjusted to their appropriation by the community as here. For here the monopoly is complete. Here its dependence upon a gift of the community is most apparent; here the public mind most readily sees the evils which arise from over-capitalization and stock speculation.

For centuries taxation has been one of the agencies of class rule. It has ever been one of the tools of privilege and monopoly. It has always been used in the interest of a class, but never consciously in the interest of all the people. Mankind is coming to recognize the power to tax as one of the great agencies of

**Taxation an  
an Agency  
of Class Rule**

social readjustment. It is a ready-made agency with which we are all familiar for the destruction of monopoly and the creation of greater opportunity. For through its use the almost unthinkable values which have come into existence in the franchise and the transportation corporations, in the mines and other resources of the earth, not to speak of the fabulous land values of our cities, may be retaken by the community which creates them.

And in this taking not only will the most elemental canon of justice in taxation be satisfied, but a larger social problem will be settled through the destruction of monopoly and the opening up of equal opportunity for all.

# Work for Personal and Public Hygiene in Rochester.

By DR. GEORGE W. GOLER, Rochester,  
Health Officer.

More than ten years ago a program was mapped out for the most necessary work for public and personal hygienic betterment in Rochester. As problems in hygiene affecting the health and lives of all of the people, the subjects considered below appeared most worthy of attention.

The city obtains its water supply by the gravity system from a natural reservoir-like lake thirty miles distant, which had in part been made a summer resort. The shores of the lake were already in process of purchase, and have since been nearly acquired. It soon became possible to secure the services of a biologist, who, with the chemist of the Health Bureau, has continued to make weekly biological and chemical examinations of the domestic water supply. Never but once in the history of these examinations has the colon bacillus, the danger-signal in water, been found in the water supply.

From the bridges and the tops of tall buildings, and from the hills, pictures of the smoky city were taken. For contrast, pictures of the country beyond were procured, made into lantern slides, and these were shown again and again at popular lectures on hygiene, of which we have a course in schools, churches, and before societies in the winter. Finally, the Rochester Chamber of Commerce, under the presidency of Mr. Clinton Rogers, began its work against the smoke nuisance. A smoke inspector was appointed by the municipality, and through the combined efforts of all of these forces the smoke nuisance was diminished by more than half. Coincidentally with the removal of a great part of the smoke nuisance there began

almost immediately a diminution in our number of examinations for diseases of the upper respiratory tract and of the lungs.

More than ten years ago the source and manner of distributing the milk supply were investigated, and a license system finally introduced by which each milk-retailer pays an

#### **Milk**

annual fee of two dollars, one dollar for a license and one dollar for a sign, which is to be carried in a conspicuous place upon the rear of his wagon. Some slight changes were made in the milk ordinance, and ineffectual though they are, we have under this ordinance provided for stable inspection in the country and milk-room inspection in the city, records of which are made on score-cards so that both the producer and the retailer may have copies of these records. The incidence of contagious disease is carefully noted. Every recorded case of diphtheria, scarlet fever or typhoid fever occurring in the city has entered opposite the residence of the person afflicted the name of the milkman who furnishes the milk. If more than two or three cases of a given disease occur on the route of a milkman in rapid succession the milk supply is immediately investigated in order to ascertain whether the milk was infected. For the past eleven years municipal milk stations have been established during the months of July and August, where clean milk and simple advice are furnished to mothers for their babies. By the Rochester plan there is a central station on a farm and four sub-stations in the four quarters of the city where clean, uncooked milk, put up in nursing bottles, may be secured at a nominal price. The milk stations are very simple affairs. We have opened them in a vacant store, in the corner of an occupied store, in a school building, and in part of a police station. The furniture consists of a refrigerator, table, chair, a pair of scales for weighing the baby, and a series of little booklets: "How to Take Care of Babies during Hot Weather." A trained nurse in charge of each station uses the little booklet as a guide and furnishes simple advice and clean milk to mothers.

The results of all this milk-work can in part be shown by the deaths of children in Rochester during the last twenty years. Without appealing to the question of population, and believing that bad food—that is, dirty milk—is in part responsible for the



death of every little child who dies, we find that in the ten years between 1887 and 1896, 4,975 children under one year of age and 2,476 between one and five years of age—a total of 7,451 children under five years of age—died in the city of Rochester; while in the ten years between 1897 and 1906, 3,421 children under one year of age, 1,544 between one and five years of age—a total of 4,965 children under five years of age—died in the city of Rochester—a difference in favor of the last ten-year period of 2,486 children under five years of age.

While, comparatively speaking, we may have the cleanest of milk supplies, much of our milk is simply milk of manure. It is foul, warm, infected with tubercle organisms, and up to the present time neither our legislators nor our people have helped us to correct the evils that we know exist, and that are responsible for killing at least 25 per cent. of the children that now meet their death because of impure food—that is, dirty, warm, tuberculous milk.

But with all the work for public hygiene, we have only recently begun to appreciate the value of personal hygiene. We look wise and speak boastingly of a low death-rate, but though we have a low death-rate, do we not also have a nation of physical incompetents, to whom the labor of life is a burden hardly to be borne? What we want to hear is less about a low death-rate and more about a high health-rate. Cities invite new residents by advertising their advantages as a place of residence and as a place in which to do business. What do the cities do to preserve the health of the people after they have been chosen as a place of residence? The manager of a traction system in California is said to have remarked that every family who came to reside along his road was worth to the road seventy dollars per annum. If a family is worth seventy dollars to a railroad, how much is it worth to a municipality? What should the municipality give to the family in return for the family's expenditure? Aside from providing its residents with clean air, clean water, clean streets and good sewers, fire and police protection, schools, parks and playgrounds, and some of the other essentials of modern city life, it should provide for the education of parents in the rearing and

care of children. Parents, as a rule, have very little knowledge of the hygiene of childhood. No institution, not even the modern university, teaches what it really means to be a parent. And it is because the State does not teach these things that medical-school inspection has sprung up, and we in Rochester, as in many other cities, have provided for such inspection because the parent has been unable to assume the responsibility of really caring for the child. We have in Rochester a force of twelve physicians, each having a district in which there are two to three schools. A physician attends daily at these schools, provides for and insists upon vaccination in accordance with the public-health law, examines for and excludes children for contagious diseases, determines visual and hearing defects, marked dental foulness and caries, and, so far as may be, endeavors to induce the child to have these defects remedied. Up to the middle of November of this year the physicians made more than 3,000 visits, vaccinated 1,500 pupils, made more or less complete physical examinations in over 1,500 cases, and excluded over a thousand children for various reasons. The physicians also make weekly sanitary examinations of the school buildings. Up to the present time the work of medical school inspection has been lacking because we have not been able to secure the services of a school nurse, who might in the school care for the little ailments of children, and visit them and their parents in their homes in case explanation or advice was required in large ailments. Just now one school nurse has been appointed, and her salary will be insured by the Women's Educational and Industrial Union. The services of four nurses will be asked for the coming year, to be paid by the municipality.

But it becomes evident to us that the appeal of the physician and of the nurse about Johnnie's tonsils and Mary's teeth and Willie's eyes and Annie's ears will often fail until the whole people are more enlightened on the subject of personal hygiene of the child.

**Physical Condition of Children**

We have, however, one recourse in the great majority of those children who fail to have their physical defects remedied in the schools. When the child leaves the school shortly after the age of fourteen and applies for a certificate to work, as many children

do, he must be, as the New York State law provides, in good physical condition in order to receive a certificate. This provision in the law is the only good thing in a law which permits children under sixteen years of age to work. In this section of the law is a mighty force for the good of the child. Of course, physical repair work of the child should be begun in early infancy before structural changes have begun. The physical development of every child should be watched all through infancy and adolescence, its sense apparatus examined, and every care taken to secure an all-around physical, mental and moral development in the child. So, every child coming to the Mercantile Inspector for a permit to work is subjected to inspection. We have no force nor time to examine them. And if he is below weight or height, has more marked physical or sense defects, or suffers from disease, we compel him to measure up to the average standard of the nearly normal child before he may receive the coveted certificate to work in store or factory.

In well-to-do families the parent spends a good many dollars to insure that the eyes, ears, teeth, noses and throats of the children are in good condition. How about the family of the wage-earners on ten to fifteen dollars a week? Where may they have physical defects remedied? Will they spend even a little money for it, or must the child be neglected because the parent doesn't understand? We considered these, and other questions relating to the child who could neither chew well because of bad teeth, and therefore neither digest nor assimilate well, could neither breathe well because of obstructed throat and nose, see nor hear well because of defective visual or hearing apparatus. Because of these physical faults the child becomes a defective. How many such children fail in school? How many require police surveillance? How many require restraint of law? How many grow up to become sick, criminal or insane? How many?

Considering these questions, a philanthropic organization, the Rochester Public Health Association, established courses of lectures on hygiene and opened a dispensary for children, where teeth, eyes, noses and throats receive the attention which their parents would not, or could not, afford to give them.

In the dispensary of the Rochester Public Health Association

we try to make children well, and to keep them well as children so they may become perfect men and women.

If much of the child belongs to the parent, some of him belongs to the state. We see in public education, in playgrounds and parks provision for that part of the child that belongs to the State, and so assume another part of the child as belonging to the State, and we say to the child who works, you must be in good physical condition before the merchant or manufacturer may exploit your labor for his gain. If your parent can't or won't help you, come to us and we will do for you what we can. This is the work for the personal hygiene of the child.

Some years ago we had an outbreak of smallpox. Out of it came a large hospital on a suburban plot of twenty-six acres of ground. For a year after the hospital was built it was vacant. Finally, on the request of the **Tuberculosis** Children's Aid Society, Mayor James G. Cutler turned the hospital over to the Rochester Public Health Association for the treatment of tuberculosis. For nearly a year the Association, with the aid of several thousand dollars received from private subscription, conducted the hospital, provided a nurse for tuberculosis, and then, after the experiment proved successful, the institution was finally placed under the direction of the Health Bureau and under city support. In this hospital of four wards, and an open-air pavilion, both incipient and moderately advanced cases of tuberculosis receive open-air treatment.

A separate pavilion on the grounds is held in readiness for smallpox, and water has been piped and sewers laid for separate pavilions for diphtheria, scarlet fever and measles, with the hope of ultimately converting the hospital into an institution for contagious diseases on the Continental plan.

The work in Rochester for civic betterment along sanitary lines has been to improve the milk supply; to help, and to ask others to help, in the work for smokeless air; to protect the water supply and to guard it through weekly biological and chemical examinations; to improve the hygiene of transmissible diseases; to substitute isolation for quarantine; to search out mild cases of contagious diseases and subject them to treatment; to relegate to



the past, where it belongs, the so-called chemical disinfection (and in this movement I should place the credit of beginning the work where it belongs, to Dr. Charles V. Chapin, of Providence), and to substitute for it cleanliness, sunlight and air; to work for better medical school inspection, and thus insure better children physically, morally and mentally; to permit the child to work only when in good physical condition; to look after the tuberculous both in homes and in a sanitarium, and to get more nurse teachers for educational work among the physically unfit, who ultimately make our large tuberculous, and otherwise physically dependent population.

The medical school inspector, the school nurse, the Public Health Association in its clinics and in its lectures on hygiene, and the Health Bureau in its work for the child who works are really doing more against tuberculosis and other forms of illness that make people dependent than all the sanatoria, hospitals and asylums. For these institutions are teaching the lessons of public and personal hygiene which will make for the physically fit who will not become tubercular or otherwise sick.

But the really great problem in the city is to get the wage-earner out of the city; where he may really live, where his children may have room to play away from the attractions of the penny arcade and the five-cent theatre that stand at every turn like highwaymen to rob the child of his peace and his pennies. Have we among our children of the cities real children who stand in wide-eyed childish wonder at the things in nature, or have we a race of little, weazened old men and women, with wrinkled brows, who want something doing every minute? The wage-earner cannot afford to live in the outskirts or in the suburbs, because he can't afford the expense and the loss of time made necessary by infrequent car service. So he lives in the dust and dirt of the middle city because he can't afford to buy the air the traction companies have to sell. The city may own its water service, but the traction companies own its best air. What an ideal place a wage-earner could have on a suburban trolley line if he had a house and garden and trees, a cow, or a goat if you please, and then if he had a traveling gardener to teach him and his wife and children to garden, and a teacher for a central playground



to teach his children to play the simple games of childhood! Contrast a house of this kind with a tenement; even a separate house in the city, with all the city distractions, with its police and its police courts. Which is the more desirable? Which is better for the child, for the parent, for the state? Most of the suburban spots are being taken by the moderately well-to-do, leaving the wage-earner sometimes in small houses, but more often in tenements and boarding-houses among the factories.

As in all other cities, we in Rochester need to develop lines of work of this kind. The development of such work must, however, be the labor of years. Our immediate needs are not great. We need a clause in our milk ordinance providing that no milk shall be sold unless produced from cows tested annually with tuberculin, as have Minneapolis, Pasadena, Montclair, Grand Rapids and Colorado Springs, so that we may no longer tuberculize our infants with milk from tubercular cows and then be compelled to build tuberculosis hospitals for their reception when the dormant tubercle bacilli taken in with the milk of infancy becomes awakened, and active tubercular disease results later in life. But more than all, we need more public spirit behind the work for civic science that shall make C. S. stand for real civics and real science.

## Sanitation in Providence.

By DR. CHARLES V. CHAPIN,  
Superintendent of Health.

In Providence the Board of Aldermen is *ex-officio* the Board of Health, as it is in almost all Rhode Island towns. There is a committee on the health department, consisting of three, which confers with the health officer, who is here called the Superintendent of Health. This arrangement has worked very well, and I believe will work well everywhere unless the aldermen are corrupt or inefficient. It is substantially the form of sanitary organization adopted in most English towns. An independent board of health also often works well, but councils are apt to be jealous of commissions, and make their jealousy apparent in the appropriation and otherwise. While a health officer should have large executive power, he should not have legislative authority, and a small committee from the legislative branch of the city government to maintain cordial relations with the health officer, and perhaps at times to check the too progressive ideas of a specialist, has here proved very satisfactory.

The registration of vital statistics is a prime necessity of sanitary progress. It should be in the hands of the health official. It is not so provided for in the fundamental law of this city, but as a matter of custom the health officer has always been chosen registrar. Our records cover fifty-two years, and, owing to the wisdom of our first registrar, our mortality statistics are not surpassed by those of any city.

When I was elected health officer in 1884 municipal sanitation was synonymous with municipal cleanliness. More than half the money and effort expended by health departments was for cleansing the city and the abatement of nuisances. The text-books

told us that to secure pure soil, pure water and pure air was the whole of hygiene. But the filth theory is dead, and we know dirt

**Municipal Sanitation and Cleanliness** is very rarely the *direct* cause of sickness. Yet it is certainly true that municipal cleanliness tends to promote personal cleanliness, and personal cleanliness prevents disease. The health

officer is certainly heartily in favor of clean streets, ample sewers, good plumbing, public baths, well-kept yards, and clean tenements. All these certainly, though chiefly in an indirect way, make for better health. But most of them can be secured as well, or better, through other agencies, and the health officer should be free to devote more energy to those things which he alone can do. He should not waste his time arguing with the owners of pig-sties or compelling landlords to empty their cesspools. The police can do that. The health officer had better be showing a working girl how to escape infection from a tuberculous brother or explaining to a physician the danger from typhoid carriers. The health officer should not be concerned directly with the removal of garbage, or the purification of sewerage, or street cleaning. These are the functions of the department of public works. The fewer contracts a health officer has to do with the less likely he is to be mixed up with politics. But evolution must be gradual, and I fear it will be some time before the health department can rid itself entirely of what may be called the work of municipal cleansing. In Providence less time is given to such matters than formerly, and perhaps we have gone too far in this direction, for we have only one inspector of nuisances and the public still expects the health department to take all the responsibility of enforcing cleanliness and decency on landlords and tenants, though there is excellent reason why the police department rather than the health department should do this. The inspector of plumbing is very properly not an official of the health department. The same is true of the smoke inspector, though in many cities both plumbing and smoke inspection are considered phases of public health work. Street cleaning is done by the department of public works, and you will see that we try to keep our sidewalks clean as well as the roadways. The city is, for the most part, well sewered, but the disposal of the sewage is a diffi-

cult problem. Discharge into tide-water after chemical treatment was adopted many years ago, but the great improvement in disposal methods and the increase in the amount of sewage will compel the public works department to adopt radical changes in the near future. To utilize the full value of the sewer system all excreta must be discharged into it; hence our health department waged a vigorous campaign against vaults and cesspools, and their destruction caused a marked decrease in typhoid fever, as it usually does. The garbage is collected and disposed of effectively and economically, though several attempts have been made to foist unnecessary and expensive methods upon the city. The garbage is fed to swine, a method of disposal entirely unsuitable for some cities, but eminently satisfactory and economical for many New England communities. Every city must work out its own garbage-disposal problem, just as it must its sewage-disposal problem. The disposal of garbage is in this city provided for by the health department.

Our water is obtained from a river which flows for several miles through a continuous village. As a result it has been polluted at times so as to cause serious outbreaks of disease. After much discussion, a sand filter was installed in 1905, but the commissioner of public works had so efficiently policed the banks of the river that, as a matter of fact there has been no typhoid outbreak since 1888. Water supplies should be protected by the state board of health, which should exercise a strong hand in such matters. Recently such power has been given to the Rhode Island State Board of Health, but the Providence supply was not included in the act, I am informed, because, it was believed, the interests polluting the river from which our supply is derived were powerful enough to defeat the measure. Many rivers receive pollution in more than one state. To properly control inter-state pollution Federal intervention is highly desirable. To accomplish this we should have a Federal health bureau, which would vigorously prosecute this work.

Consideration of food control next deserves our attention. That milk should be pure and clean is absolutely necessary if we wish to reduce infant mortality. Exactly what measures will

best accomplish the desired end is as yet somewhat uncertain. In

**Food Control** Providence we have an inspector of milk, but he is not a member of the health department. He is doing much to improve our milk, progressing fully as fast as local conditions warrant. Without in any degree criticising our present inspector, I believe that milk inspection should be one of the functions of the health department. As regards other classes of food, the relation between that which is adulterated, dirty, diseased and decayed, and the public health has been vastly over-rated. The regulation of the food supply is far more a matter of economics and æsthetics than it is of health, so it seems to me. But we really know very little about the effect upon health of the foods that usually fall under condemnation. What we want more than anything else is more knowledge. Without definite data we may waste millions in misdirected effort which might have been saved by a few thousands devoted to research. We are in crying need of a federal health bureau which will, first of all, appreciate the value of scientific knowledge, and will attempt to solve some of the many sanitary problems that are pressing for solution. For food inspection we need, first, federal inspection, which is now becoming well organized. Second, we need state inspection, especially of groceries and drugs, and perhaps milk. Of this we have practically none in Rhode Island. The State Board of Health should be given a strong hand in this matter. Lastly, we need local inspection of markets and shops in all considerable communities. We have one provision inspector in Providence, but all who desire a high standard recognize that we need more inspection and stronger laws.

The most important field for sanitary effort at the present time is the direct control of the infectious diseases. This work must follow several lines. It is desirable to prevent the introduction of disease; hence we have maritime quarantine. Science has made quarantine less onerous and more effective. In Providence, as in the rest of New England, maritime quarantine is administered by the local sanitary officer. In several states to the south of us it is a function of the state, while quite a number of the Southern and Pacific states have transferred their maritime quarantine to the federal



government. In the interests of uniformity and of efficiency it would be well if this sphere of federal activity could be extended, and I would be very glad to see our local quarantine transferred to the United States Public Health and Marine Hospital Service. Inter-state quarantine also can be much more justly and effectively maintained by the central government than by the states. But inter-state and inter-urban quarantine are likely to be less frequent in the future, as well as less burdensome.

By far the most important work that local health officials can do is the supervision of the cases of contagious disease as they occur, and the giving of advice and assistance to those who are likely to be exposed to infection. The medical inspector is the most important officer in the health department. We have one who gives all his time to the work, and another who gives a part of his time, looking after tuberculosis alone. But a great deal of public health work in Providence is done through private agen-

**Suppression of  
Tuberculosis**

cies; thus the District Nursing Association furnishes a nurse for sick infants. The League for the Suppression of Tuberculosis maintains three nurses for visiting cases of that disease, and has done much in the way of education, as has also the State Board of Health. The Rhode Island Hospital has established a clinic for tuberculous patients. Private effort maintained a day camp during the last summer, and it is hoped that this will be enlarged next year. Pure milk for babies was distributed during the last two summers. All of this might properly be done by the municipality. It is also hoped that the city will establish within a few weeks a fresh-air school for those children who exhibit a tendency to tuberculosis or are much exposed to infection.<sup>1</sup> We need a physician who will give all his time to the tuberculosis cases, and perhaps another to look after diphtheria, to inject antitoxin and take cultures. The placarding of houses, the protection of milk supplies from infection, the warning of the public in various ways of the presence of disease, the regulation of school attendance from infected houses, and the distribution of circulars of information receive much attention in Providence, as they do in most

<sup>1</sup> This school is now in successful operation.

cities. During a considerable outbreak of rabies the examination of suspected animals was provided for, and the Pasteur preventive treatment applied by a special physician employed for the purpose. The foregoing is what is meant by the direct supervision of the contagious diseases, and the more there is of it the better. The more, too, we can accomplish by instruction and persuasion and the less we appeal to the law, the better. Official disinfection after contagious disease is, I think, largely a fetich, and little stress is laid upon it in Providence. Vaccination and the distribution of antitoxin are important matters. The State Board of Health furnishes antitoxin, but the appropriation for this purpose is not sufficient. The fatality in diphtheria appears to vary indirectly as to the freedom with which antitoxin is distributed and the facility afforded for its injection. Providence is behind many other cities in this. A bacteriological laboratory is invaluable as a direct aid to diagnosis, and indirectly by keeping the community informed in a practical manner of the advances in sanitary science. We have been fortunate in this city in having at our disposal the laboratory established by Dr. Swarts, Secretary of the State Board of Health, the first state laboratory in the country. But every city of the size of this should have a bacteriological laboratory of its own. School inspection is a useful procedure. We have only two inspectors in Providence and one oculist, but more is accomplished, and more economically, than in many cities that have more inspectors. However, we need another inspector.

Hospitals for contagious disease are of great importance and value, though the old notion that they suffice to stamp out disease

**Contagious  
Diseases**

has been exploded. It is by no means necessary that all cases of scarlet fever and diphtheria should be taken to a hospital. Compulsory removal is rarely necessary. We now have an appropriation of over \$300,000 for a hospital for contagious diseases, and hope to break ground in the spring. What is urgently needed in conjunction with this is a ward for advanced cases of tuberculosis. St. Joseph's Hospital has such a ward now, but it is woefully inadequate for the needs of the city. The care of incipient cases has here, as in many other states, become a state function.

It is probably not realized by any but students of the subject how little is really known about the contagious diseases. We do not even know what the germs are that cause smallpox, scarlet fever and measles. No one has any knowledge of how smallpox gains access to the body, and views concerning the mode of infection in scarlet fever are extremely hazy. The most careful students of tuberculosis are at utter variance as to the avenue by which the bacilli of that disease gain entrance. No one has suggested any efficient method of combating measles and whooping-cough. The lack of accurate knowledge of the effects of the use of adulterated and impure food has already been touched upon. Much as we need more men and more money for our work, we need knowledge far more. Our universities and institutes are doing good work in investigation, but there is great need of a national bureau of health, with ample pecuniary support, which will not only carry on exhaustive investigation along a number of different lines, but will serve to coördinate the work of others and to publish in accessible form current discoveries in sanitary science. Besides laboratory work as it is generally understood, there is needed a great deal of what may be called field investigation. Such, for instance, is the study of the actual effects of the different grades of milk on infant mortality, of the value of house disinfection, of the effect of hospitals in checking the spread of contagious disease, or of the healthfulness of "bob-veal." Local health officers rarely have the time or money for these and countless similar investigations. They are properly the work of federal health officials, and I am hoping for the time when they will be so undertaken. The advancement of sanitary science and the dissemination of the knowledge acquired should be the foremost function of a national health department. Besides this, it should administer quarantine, control inter-state pollution of public waters, and be ready to render assistance to local officials in times of serious menace by yellow fever or plague. What a national department of health, and what a state department of health should *not* do is to exert a powerful central control over local sanitary activity. Except where necessary, federal and state authorities should not direct the details of local work. Except along a few lines, uniformity is the last thing to be de-

sired. Freedom of initiative is essential to progress. Information and advice is what local health officers want and ask for, and they should receive plenty of it, but in the present state of sanitary knowledge freedom for experiment is necessary. It is extremely fortunate that our federal system permits of this freedom.

# Notes on the Board of Health of Montclair, N. J.

By M. N. BAKER, C. E.,

President of the Montclair Board of Health  
and Editor of Engineering News.

Montclair is a suburb of New York having a population of about 17,000. A large percentage of this population is made up of New York business and professional men. There are only a few manufacturing industries in the town, but there is a considerable population of so-called working people, composed largely of negroes and Italians. The Italian and negro population presents the chief problems of overcrowding of tenements with which the board of health has to deal.

The board of health consists of five members nominated by the mayor and approved by the council. There have always been on the board two physicians, one engineer and one lawyer; the fifth member has been, successively, an architect, a lawyer, a veterinary surgeon, and a banker. The writer was vice-president of the board from its creation in 1894 until 1904, since which date he has been president. Another member of the board, one of the leading physicians of the town, has also served continuously since the board was organized. Such changes in membership as have occurred have been chiefly due to the acceptance of other town offices or to change in residence.

Such success as the board has attained has been very largely due to the fact that immediately upon organization it decided to secure for the position of health inspector a technically trained man, with the understanding that he was to devote all his time to the work of the board. The twofold object of this was: (1)



To make sure of getting some one who was thoroughly competent, or who by further training would soon become so, to do the work in hand; and (2) to get entirely away from the almost universal custom of appointing as health inspector a practising physician, or, in lieu thereof, a local plumber or carpenter. It was to be expected that if a physician was appointed as health inspector, some rising young doctor, at best, or possibly some inferior or struggling doctor, would be engaged, and that he naturally would have as his first object the building-up of a private practice, thus making the work of the board a secondary consideration, even if he did not allow it to conflict with his interests as a physician.

We found that no educational institution in America—and the same is almost as true in 1907 as it was in 1894—afforded the exact instruction needed to fit a health officer for the work we should demand of him. The choice lay between a graduate of an engineering school and of a medical school. Of the two, the best schools of civil and sanitary engineering then offered—as they now do to an even greater extent—a far better training for prospective health officers than do the medical schools. Our executive health officers have been graduates of, or at least advanced students from, engineering schools. Several of our health officers have left us for broader fields of usefulness: Mr. Theodore Horton, M. Am. Soc. C. E., is now chief sanitary engineer to the New York State Department of Health; Mr. Marshall O. Leighton, Assoc. M. Am. Soc. C. E., who was with us about six years, is now chief hydrographer of the United States Geological Survey, having among his duties the study of the pollution of inland waters; Mr. Horatio N. Parker, already a well-known biologist when he came to us, is assisting Mr. Leighton in water-supply studies; and Mr. C.-E. A. Winslow, who served us for a brief period as an assistant, is now an instructor at the Massachusetts Institute of Technology, and is in charge of the sewage-disposal experiment station conducted under the general direction of Professor Sedgwick of that institute. Our present health officer, who has been with us over three years, spent about two years in practical engineering work,

**The Qualifications of a Health Officer**

mostly on water purification, between graduation from the Massachusetts Institute of Technology and coming to us.

We now employ three officers. These are classed as health officer and sanitary inspectors, under a state law that went into effect on January 1, 1905. Under this law no health officer or

**State Certifi-  
cates for Health  
Officers**

sanitary inspector can be engaged by a municipal board of health in the State of New Jersey unless he holds a certificate to the effect that he has passed an examination and qualified to serve as health officer, or else as sanitary inspector of the first, second or third class. The certificates are issued by the state board of health, but the examinations are conducted by five examiners appointed by that board. The writer was a member of the examining board for the first two years of its existence. During that time about half the candidates that presented themselves for examination failed to pass. Nearly all the candidates for the health officer's certificate (these did better than the other classes of candidates) were practising physicians, and thus were unavailable for appointment outside of their own municipalities, although any one holding a certificate of any degree is eligible for appointment anywhere within the State. The results of the examination have greatly emphasized the need for courses of instruction specifically designed to fit men for service as health officers and sanitary inspectors.

The present health officer of Montclair serves as registrar of vital statistics and as a deputy state inspector of foods and drugs.

From the outset the board has employed a chemist. After a few years this chemist qualified himself and was appointed as

**The Work of  
the Chemist**

bacteriologist. He has his own private laboratory, directly across the street from the office of the board, and in it he makes monthly analyses of water from the town's supply, special analyses of water from wells, ice, etc. He also makes the routine bacterial and other tests required by boards of health and physicians in diagnosing diphtheria, typhoid fever, malaria and tuberculosis.

The board also has a chemical and bacterial laboratory of its own, in which the health officer, besides doing special work, makes physical, chemical and bacterial milk analyses covering,

about twice a month, the supply furnished by each local dealer. Bacterial studies have been made of the modeling clay used and reused in the manual training departments of the public schools. Somewhat allied to the laboratory work have been special studies of the ventilation of the public schools, made by the health officer.

Until recently it has been the duty of the health officer to supervise the collection and disposal of garbage, but this duty now falls upon an inspector appointed by the town council. Plumbing is inspected by the health officer or his assistants. The board of health would prefer to have this work transferred to the town council, as has been the garbage inspection. The relation of both garbage and plumbing to the public health, in the opinion of the Montclair board, has been greatly exaggerated in the past, but without regard to this the town council now collects the garbage, instead of the work being done by private scavengers as formerly, and the council also has a department of building inspection, with which the plumbing inspection might well be consolidated.

It almost goes without saying that the health officer and his assistants attend to all the necessary isolation, placarding of houses, disinfection, etc., required in connection with communicable diseases; and that immediately after notification of any case of an officially recognized communicable disease by the attending physician (which notification is compulsory), the health officer proceeds to the house and inquires into all the circumstances bearing upon the probable origin and further spread of the disease—excepting, of course, whooping-cough, mumps and chicken-pox. The board offers free vaccination from time to time. It also furnishes antitoxin to the indigent, for both immunizing and curative purposes.

Dairy inspection was begun in 1894, has been continued ever since, and, with allied methods for controlling the character of the milk supply of the town, is considered by the board to be one of the most important parts of its work. Early in 1898 a milk ordinance was drafted. This was submitted to Prof. William T. Sedgwick, of Boston, and after some valuable modifications proposed by him had been made, every milk dealer in the

**Milk Supply  
and Dairy  
Inspection**

town was invited to confer with the board regarding the ordinance. Valuable practical suggestions made by the milk dealers were incorporated in the ordinance. Some of the leading features of the milk ordinance are:

(1) A requirement that every person or corporation selling milk in the town must keep the board informed as to where the milk sold is produced or purchased, and must also supply the board with the names and addresses of all customers to whom milk is delivered.

(2) Detailed provisions as to the character and condition of stables, health of cows (including examination by a veterinarian and a certificate of freedom from disease), feeding of cows, cleanliness and health of milkers, cleanliness and sterilization of all dairy utensils, cooling of milk, etc.

(3) Prohibition of delivery of milk to consumers in anything except glass bottles, and also prohibition of the use of milk tickets.

(4) Prohibition of delivery of milk from any dairy at times when any one connected with the dairy, or any resident member of the family of such a person, is suffering with any one of the more dangerous communicable diseases which may be transmitted by milk.

Nearly all the milk delivered in town is produced outside the town limits, at distances ranging from 1 to 150 miles, about half the supply now coming from the latter distance. The group of distant dairies is inspected about once a year, and the others at intervals of four or six weeks. Elaborate printed blank forms are used to record the results of these inspections, and the reports so made are always available for examination by any citizen. Recently a dairy score-card, devised by the United States Department of Agriculture, has been employed.

In 1906 a veterinarian in the employ of the board, and the health officer, inspected each of the 2,000 cows from which milk was being supplied to the town. Twenty-four cows were excluded from the herds because they were suffering from tuberculosis—fifteen on physical examination and nine on the tuberculin test.

In addition to the detailed periodic dairy inspection reports,

already mentioned as being available to the public, a brief but very explicit report on the character of the milk and the conditions of the dairy of each milk dealer is published in each annual report of the board. These yearly reports are accompanied by the results of frequent analyses (one or two a month) of the milk supplied by each dealer, giving total solids, total fats, bacterial counts, and amount of sediment found in the milk. The annual reports also include comparative exhibits of the whole milk supply of the town, showing the averages of the monthly analyses of the milk supplied by each dealer in order of merit. Like summaries at half-yearly intervals are supplied to local papers.

For several years past the best dairies have shown average bacterial counts of less than 10,000 per c.c., and for the first ten months of 1907 all but two of the present thirteen milk dealers averaged below 100,000, seven being below 50,000. The two dairies with average counts in excess of 100,000 furnish only a small percentage of the total supply.

Early in 1907 the sanitary code was revised and more stringent provisions regulating the milk supply were added. These include cooling the milk to 50° F. within forty-five minutes after it is drawn from the cows, and maintaining as low a temperature until it is delivered; a bacterial limit of 100,000 per c.c.; and the tuberculin test once a year for all cows from which milk is delivered in the town. The tuberculin test, which is employed for the detection and exclusion from herds of cows suffering from tuberculosis or consumption, was promptly applied by all the dealers save one, and after some delay was applied to over a third of the cows of that dealer—a corporation supplying half the town with milk bought by contract from some 25 producers 150 miles distant. Several extensions of time, now amounting to one year, have been given to this dealer. With the last extension the public was advised, by means of a circular distributed to every house, not to use the milk for children under three years of age and not to use it at all unless it was first boiled or pasteurized.

Medical inspection of the public schools was secured by the board after an educational campaign extending over a number of years. Inspection was begun early in 1905 and has since pro-



ceeded with eminent satisfaction. Under the General Education Act of the State of New Jersey local boards of education are authorized, but are not compelled, to provide medical inspection. After several conferences and postponements, the local board of education finally agreed to the establishment of medical inspection, provided the expense was debited to the board of health and the general charge of the work was assumed by that body. Four local physicians, at a salary of \$35 a month during the school year, are now assigned to the public schools, and one at \$25 a month to the parochial or Roman Catholic School. These physicians call at each school building twice each week and examine any pupils sent to them by the teachers on account of ill health. Two general examinations of all pupils are made each year. In case of several children in any one school being affected with diphtheria or scarlet fever, the room, or if deemed necessary the school, is immediately closed long enough to thoroughly disinfect it. In one or two instances, where cases of scarlet fever came from badly-crowded quarters of the town, the medical inspectors were sent to each house from which Italian children came to the school in question and examined all the children in those houses.

The board has an isolation hospital for smallpox and a provisional arrangement with a local hospital for taking such other cases of communicable disease as it can accommodate. When the hospital is full, patients in overcrowded portions of the town are segregated in private houses — that is, houses are virtually turned into temporary hospitals. On occasion, the board provides trained nurses, food for the nurse and patient, and sometimes food for the whole family.

The board has its own attorney and does not hesitate to prosecute violators of its ordinances, if absolutely necessary, but avoids prosecution so far as possible.

Under the sanitary code, all houses on streets provided with sewers must be connected therewith. At the close of 1906 only 29 houses remained unconnected with the sewers on streets provided with both public water-mains and sewers, and most of the town is so provided. Special efforts are made to insure the com-

pleteness and accuracy of the vital statistics of the town. The returns required by law are checked, as far as possible, and physicians and other delinquents are given reminders of their delays in making required reports.

The population of Montclair when the board was organized in 1894 was about 10,000. The total appropriation for health work the previous year was \$500, only \$422 of which was expended. The first appropriation secured by the new board was \$2,000. This has been gradually increased until the regular yearly appropriation, not including money for medical school inspection, is \$5,000. Considerably more than half this sum is paid for salaries. The health officer for many years was paid \$1,800 a year and now receives \$2,000. The first assistant is paid from \$60 to \$75 per month, according to experience and ability, and the second from \$8 to \$12 a week. Nearly \$1,000 a year is received by the board from licenses, fines, etc., and is available for its use. Special appropriations are secured to meet serious outbreaks of communicable diseases. In 1906, \$2,500 was expended, of which \$1,500 was outside the regular appropriation, for scarlet fever, smallpox and diphtheria among the poor. Of this sum about \$900 was for nurses, \$300 went to the neighborhood hospital, and \$400 to doctors.

The members of the board serve without compensation, including the two who act as secretary and treasurer. The chemist and the attorney receive \$250 and \$200, respectively. Taking the normal expenditure of the board as \$6,000, its average yearly per capita expense would be 30 to 35 cents; but if medical inspection and extraordinary expenses for communicable diseases are included, the expense runs to about 50 cents per capita.

The statistics of mortality and of cases and deaths of and from communicable diseases appear to show the effect of the activities of the board. Since the milk ordinance of 1898 went into effect there has been a marked decrease in deaths of children under five years of age, in diarrhoeal diseases of children, and in deaths from tuberculosis, but any careful person hesitates to claim much for any one factor in the decrease of mortality and morbidity rates. It may be noted here that the town — partly

through action by the board of health—has enjoyed an excellent supply of filtered water for several years; also that the board was one of the earliest to enter upon the mosquito-prevention campaign.

One of the greatest factors contributing to such success as the board has had has been its absolute freedom from politics, either within or without.

On the whole, the board has had the most cordial support of the other departments of the municipal government and of the general public. This has been partly due to the fact that shortly before the organization of the board the town had a sad lesson from the effects of sanitary neglect: some eighty cases of typhoid fever, with a dozen deaths, occurred on one milk route and were shown by investigation to be the result of a mild case of typhoid fever in the family of the milk dealer, combined with the use of water from a well near and below a privy vault for washing dairy utensils. Aside from the sickness and death thus caused in the town and its effect upon the general public, the business of the milk dealer was ruined and he for a time was nearly distracted. This incident taught a lesson to the milk dealers and the public alike, which has not been forgotten, although it occurred thirteen years ago. Subsequent lessons, fortunately less serious but almost as instructive, have contributed to the education of the public and the milk dealers. Only one of these can be named. Investigations following an outbreak of diphtheria showed that nearly twenty of the milkers employed by one large dairyman had the diphtheria bacillus in their throats. The whole milking crew was isolated, a new crew put in temporarily, and the old one kept under observation until the germs disappeared from their throats.

Although this paper has been confined to the work of a single board of health in a small town, I wish before concluding it to make a few observations that apply equally to towns large and small.

(1) The majority of the members of boards of health throughout the country lack the proper qualifications for the work in hand, including both knowledge and self-sacrificing devotedness. Membership in boards of health too

generally consists of physicians. It might profitably include a sanitary or civil engineer, or if neither of these is available, then a progressive architect with some knowledge of sanitation. An able lawyer and one or more men in general business can render valuable services in health-protective work.

(2) Politics and the fear of injuring business interests by insisting on sanitary milk, on good plumbing, on proper sewage, garbage and refuse disposal, and on healthful dwellings and work-shops, are responsible for the inefficiency of many local boards of health. This fear of injuring business interests leads to the suppression of information showing bad local sanitary conditions, lest the "good name" of the city be injured. Such suppression keeps the people in ignorance of sanitary dangers and of the consequent need of sanitary reforms.

(3) The ignorance on subjects of sanitation of a large majority of the citizens of most communities is a great obstacle to effective health work and a direct means of spreading disease. The people at large fear the wrong thing: bad odors instead of disease-infected milk and water; smallpox instead of tuberculosis or consumption. The public fails to make use of the health-protective information and agencies afforded it; continues to drink foul water and dirty and bacteria-overladen milk, notwithstanding repeated warnings to the contrary.

(4) Executive health officers are not chosen for fitness, on account of either ignorance or politics on the part of the appointing bodies. The salaries offered are almost invariably too low to warrant able and efficient men giving their whole time to the work—and in health work, as in other fields of activity, one cannot serve two masters well.

(5) Health boards fail in some communities because they appoint plumbers, masons or carpenters as health inspectors, when men of broader training should be selected; or, far worse yet, through pity or politics, appoint men who have made failures in other walks of life.

(6) The work of most health departments suffers through lack of funds, but there would be less financial starvation of health boards if they gave better account of their stewardship, sought more coöperation from doctors, plumbers, milk dealers

and civic organizations, and took the public generally into their confidence.

(7) Finally, the deplorable deficiency in the vital statistics of most cities and towns, and the failure to secure prompt reports of every case of communicable disease and to investigate the origin and the chances of the spread of the same, result in a state of ignorance as to the effect of local sanitary conditions upon sickness and death in the community which is simply appalling. Without complete reports of deaths, accurately distributed by causes, and prompt and intelligently-used reports of communicable diseases, health-protective work cannot be intelligently directed nor its results accurately judged.



# Chicago's Municipal Sanitation.

By DR. WILLIAM A. EVANS, Chicago,  
Commissioner of Health.

The scope of work of the health department differs in some particulars from that of other large cities. With us there is a separate city and county government. The county government maintains the hospitals, insane asylums, district physicians and poor-houses. The city encroaches on this field to the extent of maintaining a smallpox hospital and its ambulance system—a general emergency ambulance system which is irresistably drawn into ambulance work for all varieties of disease and which gives some relief.

The city council makes ill-balanced donations to several relief institutions such as orphan asylums.

In the field of vital statistics there is an attempted division between city and county. The state law places the gathering of vital statistics in the hands of the county clerk. As there is no state burial law, the city ordinance is supreme and deaths are satisfactorily recorded with us. Records of births and still-births are not complete or reliable.

Plumbing is in our department; control of the sanitary features, of building plans, is with us. These are under the sanitary bureau, which also has restaurant, tenement, workshop, rendering plant and a general hygiene department. All of these subdivisions satisfy us except the last. Modifications in that will be dwelt upon presently.

Foods, including milk, ice and water, are controlled as is the custom in other laboratories. For many years we examined the water at the intakes. We are certain that this is practically uniformly good. We are now using the water force to examine

water taken from taps in various parts of the city. It is our opinion that good water is not infrequently contaminated in the mains in the dead ends, sags and tanks. In control of meat and other food products we exert ourselves to supervise the establishments that are not otherwise watched. In United States Government controlled houses we make no inspection. Milk will be separately treated.

**Hospital  
Department**

The hospital department has moderate control over all the hospitals of the city. Dispensaries are not licensed or controlled.

*Contagious and Communicable Diseases.*—Small-pox is forcibly hospitalized. The department vaccinates 100,000 each year. The school inspectors do the school vaccinating; the medical inspectors do most of the vaccinating out of schools—especially the neighborhood, and contact vaccinating after a case of smallpox. Special vaccinators are used in special populations, *e. g.*, foreign settlements and certain religious communities.

We are now building a small smallpox hospital, which will be equipped with portable hospitals for extension purposes. As soon as this is completed our present magnificent isolated-pavilion-plan hospital will be used for other diseases. Diphtheria is sometimes, although not always, forcibly hospitalized. Termination is done by two negative cultures. Antitoxin is supplied gratuitously—all contacts inside and outside the family are immunized with 500 to 1,000 units. Persisting latent infections are treated by insufflation of antitoxin. Scarlet fever is sometimes forcibly hospitalized. Quarantine is not lifted until scaling is ended. Measles, whooping-cough and chickenpox are reported and carded, and the children are excluded from school.

Tuberculosis is reported ante-mortem. All premises are disinfected. Hospitalization is voluntary. Our best facilities are for late cases among the poor. The cases are charged against the houses; a card showing sociologic and economic conditions is made for each case. Early diagnosis is stimulated by the distribution of tuberculin free.

*Typhoid.*—A study of the milk, water, ice, vegetables, flies, yard closets and recent country trips is made. Advice as to feces, urine and flies is given.

*Infantile Diarrhœa.*—Each death is investigated as to milk or other food, hygienic surroundings, nationality and economic conditions.

House disinfection is done with formalin. We disinfect after tuberculosis, small-pox, scarlet fever, diphtheria, chicken-pox and measles.

Quarantine rests with the people and with the physician. It is inefficient, and in my judgment will always be so. The control which the physician now has is so weak that the case cannot be made safe in the house. Enforced hospitalization is the price which the community must pay for safety.

Nuisances and yard closets are entered on cards against the houses. Where the acreage density of population exceeds 10 they are being forced out as rapidly as plumbers can do the work. Night soil will be discussed separately.

*Sewage.*—This is in the hands of the street department and sanitary district. It is diluted with water and run into the Des Plaines river and then into the Illinois. The cost of the canal up to December 31, 1906, was \$52,000,000. The method is satisfactory. This canal is to be used both for power and for commerce. Its electricity will be put on the market December 1, 1907.

Garbage, rubbish and ashes are collected by the street department. The former is carted on barges to the reduction plant. Rubbish and ashes are used for filling low streets and low acres. Beginning January 1, 1908, no organic matter, *i. e.*, meat, bread, vegetables, fruits and other food refuse will be allowed on these dumps. Rubbish, even when free from organic matter, makes unsightly filling but the raise in stratum more than compensates. Manure will be separately discussed.

The health department now maintains fourteen public baths and supervises several free beaches. In 1906 twelve of these gave 825,315 baths. This number is further much augmented by the public baths attached to the public parks and small squares. With these the South Side is well supplied; the West Side has a few, the North Side none.

During the year 1906 the expenditures of the department other

than for fixtures amounted to \$329,613.41, or less than 15 cents per capita, the price of two quite ordinary cigars. Licenses for industries exclusively supervised by the department, with a fair percentage of the fines and receipts of the department, amounted to \$326,488.96 for the year 1906—just \$3,124.45 less than the expenditures. As fines and moneys received by the department go into the general fund, and in consequence cannot be traced by us, we feel safe in saying that the license fees, fines and receipts exceed the expenditures, and the service of the department to the people at large is rendered entirely without expense to them or to funds collected through their taxation.

Having hastily sketched the work of the department of health of Chicago, I want to discuss several phases of our work more at length.

The work of a health department I believe to be educational, administrative, in some measure legislative, and finally alleviative.

**Education** It had its inception in the last of these, yet all of the larger cities have divided this work in varying degree. In matters of rules the work of the department is clearly legislative. In legislation proper, however, its work is purely advisory. In my judgment the most important of its work is educational. The Chicago Department is indirectly incorporated as a teaching institution. We take students in laboratory work, inspection and sociology. We are trying to train some capable workers in public health. This field is not occupied by any school or university.

However, our chief work is as an educator of the people. We issue a bulletin which goes to every doctor, preacher, teacher, nurse and newspaper center in the city. It contains timely advice couched in simple language. Force, directness and simplicity of statement is sought—rather delicately-poised regard for remote possibilities and qualifying factors. It carries some statistics, and some scientific matter as well. We have a publicity department whose business it is to see that the newspapers and other preachers and teachers use this matter. Every daily paper gives us space for extracts from the "Bulletin" on Monday, and editorials nearly always follow before the week is out. The Polish,

Bohemian, Italian, Yiddish and other foreign papers give space to articles in their tongues.

Sermons and lectures are given in churches. A lecture course is maintained for women's clubs, men's clubs, public parks, centers and other places. The commissioner himself averages three a week. With these last, however, we are not fully satisfied, as they reach the lectured-at people rather than those who most need it. Our lectures are of two general types. In the fall we talk ventilation, tuberculosis, pneumonia and contagious diseases. In the spring we talk milk and other foods.

Our present ordinances provide for day removal of night soil in air-tight wagons, using pumps for loading. This is merely up-to-date handling. The point to which I wish

**Night Soil** especially to direct your attention is disposal.

Where farms are accessible we have it deposited on these farms. The farms must be designated and policed. The policing extends to the crops. For example, they are not allowed to grow those vegetables which are customarily eaten raw for one year after the deposit of night soil. Nor shall it be deposited within a thousand feet of a house or well used for drinking purposes. When such disposal would necessitate a haul too long to be practicable, the night soil is to be emptied into the sewers. The permit is given for a certain man-hole. The regulations specify the amount of water to be used as a diluent. The sewer is protected by a grate. The advantages of the method are (1) a short haul, with a resulting lowering of price; (2) enrichment of the soil in certain cases; and (3) cleansing of the sewers.

Millions of people and animals living upon the soil and being nourished from it are constantly exhausting it. The nutriment lost to the soil by the production of the milk for

**Manure** a large city is enormous. A proper regard for posterity demands that we put back whatever we can. Oftentimes night soil cannot be placed there economically or without nuisance. Garbage can sometimes be so used in its raw state. The fertilizer by-product of the reduction method constitutes one of the points of advantage of that method over cremation. Manure has commercial value sufficient to pay for the cost of hauling; it is not a great nuisance, nor is it especially dangerous. It should



always be returned to the soil. The average fertilizer value of stable manure is \$2.00 a ton. The average cost of railroad haul is, say, 35 cents a ton. The owner of the horse pays cartage at one end and the farmer at the other. This rate is about 2 cents a ton a mile. This is greatly in excess of the average ton-mile charge for freight. The equipment used is very cheap. The cars are not allowed to stand. Therefore it is very remunerative freight for the railroad. In addition, the road gets the haul on the vegetables produced. It is profitable for the farmer, for he nearly always gets it for far less than its intrinsic value. The people need the vegetables and fruits. Horticultural departments, agricultural colleges, and experiment stations of the United States Government should send soil experts to our large cities to make productive the waste places of their outlying districts and environments. There are thousands of acres in and near Chicago that are now keeping their owners poor paying taxes which should be utilized for onions, pickles, cabbage, corn and similar foods. Southwestern Michigan, northeastern Illinois and northern Indiana, using enough stable manure, should feed Chicago and can enough for the Mississippi valley. The manure is at their door and selling for one-fourth its value. It should not be burned nor dumped into the Mississippi river, as is done at St. Louis and New Orleans.

In Chicago we are more fortunate than most cities of 500,000 and over, in that 89% of our milk is produced nearer the city than fifty miles. The men producing it have been in the business for fifty years. Fortunate as we are, our situation is far from satisfactory. Our general milk supply is good enough for adults' use, barring tuberculosis and typhoid. Our general milk supply is not good enough for baby use, nor is that of any city, nor will it be for twenty years. We now have enough dairy inspectors on the farms to get around every three months. We analyze the farm waters, direct as to cleanliness, housing, health of the animals and health of the help. We have ten men on the dairies and wagons in town. We have a man on the platform. We do not care much about fats and solids; we are after dirt always and everywhere. Yet ten years from now our milk and the milk of all other cities will

be unfit for babies to drink. My plan would be to continue to campaign for cleanliness in season and out of season; to enact legislation against selling any but baby milk for baby use, and also against feeding any milk but baby milk to babies. Baby milk should be pasteurized or certified. Certified for those who can pay; pasteurized for those who cannot. It should be bottled. It should be clean from the farm in. It should have a low but constant fat and solid content. Having been pasteurized, it must live up to a bacteriologic standard.

To kill all tubercular cows would be to produce an unwarranted shrinkage in the supply of milk. The cows should be tested with tuberculin. The reacting cows who show debility or emaciation should be killed.

**Tuberculosis  
in Cows**

The others should be segregated, controlled, treated with tuberculin, and hygienically; their calves should be vaccinated. The milk should be pasteurized. It can then be used. In this way the disease should be eliminated in fifteen years. Indiscriminate slaughter will not accomplish the same end in twice the time.

Our provision for consumption is limited to 280 beds for late cases and 25 beds for early cases. The Tuberculosis Institute is inaugurating a system of dispensaries. The visiting nurses spend half their time on the subject.

**Tuberculosis**

The Department registers the cases and disinfects after them. It is bending every effort now to promulgate the doctrine of early diagnosis. If the cases could be found when cure could be effected in from one to six months, with one to two months of enforced idleness, it would not be a disease of much economic importance. Most any family could stand that amount of drain on its finances; and then, too, at that stage it is not very contagious. This being true, the importance of consumption economically is due to failure of diagnosis. The amount of technical skill required for diagnosis in these early cases is so great that I have no hope that doctors will be able to uniformly diagnose the disease in its curable stages during my years of activity. The use of tuberculin requires no more than the available technical skill. By the use of tuberculin, doctors as they are can diagnose consumption while it is curable, and even before the

patient is disabled for work. In addition to this provision, I want to see multiple tuberculosis dispensaries distributed over town, using the class principle, and with some agency supplementing with relief for those cases where two months of good food and rest will turn the tide. I would like to see some shacks, to hold ten patients each, erected in different congested neighborhoods. Such a shack can be built and run full of patients properly fed for \$3,000 for the first year. Ten cases, curable in four months, should be chosen. So that the record would be twenty to thirty patients cured for \$3,000, and that right under the eyes of the neighbors. Care of the late and dangerously contagious cases should be continued. Education and continued restriction should not be neglected; and, finally, a systematic and orderly investigation and control of housing is not only a good health measure, but is good economy in the long run.

# Health and Sanitation in the District of Columbia, with a Plea for a National Department of Health.

By WM. CREIGHTON WOODWARD, M. D., LL. M.,  
Health Officer of the District of Columbia.

Death-rates are ordinarily accepted as an index to the state of the public health. Within certain limits this can be done with a fair degree of safety, especially when the figures relate to the same community and to periods of time not too far apart. But when an effort is made to compare the death-rates of different communities, or of the same community at widely separated periods, the possible variations in the factors that determine the true value of each of the several death-rates are so great that the problem becomes one of exceeding difficulty. And when, instead of undertaking to determine merely the state of the public health, we go a step further and endeavor to find out from the death-rates the salubrity or healthfulness of a place, the task is well-nigh impossible. For to accomplish that end we must elim-

**Death-Rates**      inate from our reckoning everything that pertains to the individual and confine ourselves solely to a study of his environment, since even though many die because of weakness incident to race, or from their own ignorance or poverty, or from occupational diseases or accidents, or from premature birth, the chances of life and of health for the resident, or the prospective resident, who is not and will not be subjected to such personal dangers are not lessened. For the reasons set forth no effort has been made to compare the state of the public health in the District of Columbia with the state of the public health elsewhere, or to determine the relative salu-

brity of Washington as compared with other cities. If for the omission of any comparative figures any justification were needed further than what has been given, it could be found in the fact that for the planning and execution of our future work, it is more important to know the character, force, and direction of the currents with which we have had to contend, and to know how successfully and through what means we have held to a forward course, than it is to know just what, for the moment, happens to be our position as compared with that of other communities more or less dissimilar in composition and environment.

In undertaking to determine the significance of the death-rates of the District of Columbia two circumstances must be borne in mind: First, that although the District of Columbia is politically analogous to a territory, or perhaps more nearly to what we are sometimes pleased to call our insular possessions, rather than to a city, yet for purposes of administration and socially, it is merely a municipality. The density of population computed on the basis of the police census of May, 1906, was 5,437 per square mile of land, far in excess of that of any state or territory; the government of the District is a unit, dealing with sanitary problems and with the people directly and not through the agency of county, city, or town organizations. The terms, "District of Columbia" and "Washington," are commonly used interchangeably, and are so used in this paper. The second circumstance to be remembered is the large number of persons residing within the District whose blood is colored, or at least tinged by a strain of African origin. These colored people make up about thirty per cent. of our population, and according to the federal census of 1900 no other city in the United States contained such a large number of colored people, nor in any other city the size of Washington was so large a percentage of the population made up of this class. A constant knowledge of their existence is essential to a proper understanding of our mortality tables since death-rates among them are commonly much higher than among the white people. Some of the most important differences appear in the following table:

**Death-Rates  
for the Whites  
and Colored**



**RATIOS BETWEEN THE DEATH RATES FOR WHITE AND FOR COLORED PEOPLE IN THE DISTRICT OF COLUMBIA, FROM CERTAIN DISEASES, DURING THE FIVE YEARS ENDED DECEMBER 31, 1906.**

(The death-rate for white : the death-rate for colored :: 1 : x. The figures in this table represent x.)

Diseases.	1902.	1903.	1904.	1905.	1906.
All diseases.....	1.86	1.74	1.73	1.90	1.86
Bronchitis, acute .....	3.09	6.55	6.55	8.40	5.46
Broncho-pneumonia .....	3.23	2.57	2.73	3.61	3.73
Convulsions of children .....	5.46	4.45	3.53	5.23	6.77
Diarrhea and enteritis (under 2 years old) .....	3.96	3.34	2.96	3.98	2.87
Hereditary syphilis.....	4.92	6.66	2.74	5.23	7.69
Intermittent and remittent fevers and malarial cachexia.....	1.50	1.31	4.32	3.50	4.20
Marasmus and malassimilation ....	2.11	1.45	1.37	1.71	2.54
Nephritis, acute .....	2.74	1.18	1.66	2.05	2.54
Pneumonia, lobar, etc.....	2.71	2.93	3.30	3.09	3.84
Premature birth .....	2.95	1.77	2.50	3.09	2.43
Pulmonary hemorrhage.....	3.86	3.85	6.13	5.83	2.93
Rickets.....	6.80	6.11	.....	.....	12.60
Senility .....	1.09	1.40	1.02	1.18	1.09
Suicides .....	.18	.36	.23	.17	.12
Tuberculosis, abdominal.....	2.80	2.27	4.10	4.05	2.59
Tuberculosis, generalized .....	2.25	6.48	3.69	3.71	2.40
Tuberculosis, pulmonary .....	2.70	2.69	3.00	3.18	3.31
Typhoid fever .....	1.09	1.56	1.79	1.33	2.38
Valvular diseases of the heart .....	2.46	1.89	1.83	1.84	2.08
Whooping-cough .....	5.83	4.53	4.26	2.59	2.11

That the present relatively high death-rate among our colored people is due, in considerable part at least, to racial weakness and not altogether to ignorance, poverty, and occupation, is shown by a comparison of the death-rates of white people living in our alleys and of colored people similarly situated. Analogous figures for our street population are given for the purpose of convenient reference. It is probably unnecessary to explain that only the direst poverty ever brings a white man into an alley residence.

COMPARING DEATH RATES FOR WHITE AND FOR COLORED PEOPLE LIVING  
IN ALLEY AND IN STREET DWELLINGS IN THE DISTRICT OF COLUMBIA.

Calendar Year.	Death Rates per 1,000.					
	Alleys.			Streets.		
	White.	Colored.	Ratio.	White.	Colored.	Ratio.
1905 .....	13.23	28.39	1:2.15	15.17	28.89	1:1.90
1906 .....	14.39	27.73	1:1.93	15.47	29.03	1:1.88

Note: Alley population in 1905 was: White, 1,739; colored, 16,659. In 1906: White, 2,155; colored, 15,652. Street population in 1905 was: White, 225,689; colored, 79,036. In 1906: White, 229,262; colored, 79,366.

Although the mortality of the colored race is even now excessive, yet if human life be a thing of value there is naught of which Washington has a better right to be proud of than of the reduction that has been effected in the death-rate of these people — not of her broad avenues and myriads of shade trees, nor of her magnificent public buildings; not of her newly-installed sewage-disposal system nor of her recently perfected water supply; not of her clean government; but of the saving of lives that has been accomplished. The colored death-rate for the five-year period, 1875-79, averaged 39.76 per thousand per annum. The corresponding death-rate for the five-year period, 1900-04, was but 28.27. If the death-rate for the earlier period had continued unabated, 3,778 deaths would have occurred among our colored people in 1906, whereas the number that did occur was 2,738. Among our 95,018 colored residents, therefore, the lives saved during the one year numbered 1,040. How many have been saved since the reduction of the colored death-rate began might readily be computed, but in the face of such a showing it seems unnecessary to do so. There has been a falling off in the mortality among white people within the same period, from 19.35 per thousand during

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SHOWING RELATIVE DIMINUTION IN THE DEATH RATES OF WHITE AND OF COLORED PEOPLE IN THE DISTRICT OF COLUMBIA SINCE 1875.

Period. Calendar Years.	Death Rates.		
	White.	Colored.	All.
1875-79 .....	19.35	39.76	25.86
1880-84 .....	18.89	33.62	23.85
1885-89 .....	18.61	33.29	23.48
1890-94 .....	19.67	32.57	23.90
1895-99 .....	16.81	28.75	20.59
1900-04 .....	15.93	28.27	19.68
1905 .....	15.16	28.81	19.20
1906 .....	15.46	28.82	19.35

the first lustrum to 15.93 during the last, but relatively it has not approached the diminution that has occurred in the figures for the colored race. The most interesting feature of the record, however, is the difference in the efficiency with which the same forces during the same period of time have operated to reduce the mortality of the two races.

Just what brought about the lowering in the death-rates shown in the foregoing table it is difficult to say; or at least, it is difficult to define the relative importance to be attached to each of the various factors that have been at work. We vaguely attribute the improvement to better modes of living, or to a better environment, or, it may be, to more skillful medical treatment.

But as a guide to future work such explanations are extremely unsatisfactory. We know that although these things may have reduced the general death-rate, they have been associated with an apparently increased prevalence of certain morbid conditions, such, for instance, as cancer and insanity. We know, too, that

**Death-Rate  
Data Unsatis-  
factory**

to have to improve modes of living generally, or to improve the environment generally, is a very expensive and a somewhat difficult task, and that more skilled medical treatment operates ordinarily only to save him who is already sick, while the great object of the public-health service is to prevent sickness. What is needed is an efficient system, not merely of accounts of our expenditures for a given line of sanitary work but of such expenditures in their proper relation to work done and to ultimate results accomplished, so that future expenditures can be made for work along those lines that are yielding the greatest net results in lives saved and sickness averted. Now we go on making appropriations and enacting laws for the very purpose of reducing the death-rate; we compile, at a considerable expense, tome upon tome of vital statistics; but how successfully each appropriation and each law is applied to the accomplishment of the very end which it was designed, and if it fails, why it does so, we never know. When the death-rate does not budge, empirically we make another appropriation or enact another law, and so we go on and on in the hope that each new measure will be more successful than its predecessor; or, it may be, in blind despair we try to ignore the necessity of doing anything at all.

What has been said is true not merely of the District of Columbia but of the country generally. We spend millions of dollars annually for all kinds of laboratory investigations, many of which tend, or are supposed to tend, toward the improvement of the public health. To the same end we enact laws and regulations galore, collect much information relative to the cost of administering the affairs of our cities, and compile many and varied conglomerations of vital statistics. In our laboratories we study bacteria, insects, preservatives, coloring matters and food-stuffs. In our experiment stations we investigate the conditions that affect our livestock and our crops. But man himself we have ignored except as he appears from time to time as an incident in the life history of some bacterium, in the chemical reaction of some adulterant, or in relation to some disease of the cow, or the sheep, or the hog. And if it can be said that man as an individual has been ignored, the same thing can be said with even greater assur-

**Laboratory  
Investigations**

ance and positiveness with reference to mankind in the aggregate. Seemingly we care nothing for the nature and extent of the agencies at work toward the destruction or the conservation of our fellows in our cities and towns, those great crucibles in which the vitality of the human race itself is being tried out. Into these crucibles we are constantly throwing new elements in the form of new laws and new regulations. In them new forces continually appear as the result of changes in social and economic conditions. But no one has the interest, or those having the interest have not the time, to watch and study patiently from month to month and from year to year to determine the net result and the circumstances that have brought it about.

Here and there a health officer snatches a few occasional moments from his well-filled day to devote them to a quest for truth. Now and then a city expends a part of its scant resources toward the same end. Here and there a state has joined in the search for light. But the solitary health officer is like a physician whose opportunity for clinical study is limited to a single patient, and the state that undertakes to segregate and appraise the factors that affect the health of its people is only a little better situated. The early discovery of those methods by the adoption of which our death-rates can be lowered, surely, expeditiously, and with a minimum of sacrifice of money and of personal liberty, is not likely if the problem be left to the occasional efforts of health officers or of cities or of states. Their fields for observation and study are too small, and the continuity of effort is too uncertain, to give promise of early results.

If, then, neither the isolated health officer, nor the city, nor the state, can segregate the various conditions and circumstances that tend most strongly to promote the public health, and define the principles that should underlie future sanitary effort, there is but one agency left to undertake the work, and that is the national government. That the United States is engaged to only a limited extent in the direct enforcement of sanitary law is immaterial, for in any event the general government is bound for the common welfare of the nation to take notice of the state of the public health and to do whatever it can to protect and to improve it. Who will say that the federal government has any interest in the



natural resources of the country greater or more important than its interest in the life and well-being of man himself, or that action by the federal government can go further toward conserving and improving the one and the other? Yet the Department of Agriculture received for its work relating to soils and plants, and forests, and birds, and mammals, and livestock, and insects, and weather, and foods and drugs, for use during the current fiscal year \$9,447,290. And yet who will say that the federal government did not act rightly and wisely in making the appropriation?

**Federal Appropriations for Investigations**

I have referred to the appropriation for the Department of Agriculture rather than to that for any other branch of the federal government because the Department of Agriculture is the great scientific workshop of the federal establishment and because its work seems more nearly analogous to the work that must be done for the protection of the public health. But it would be unfair not to notice the extent to which the work of the Department of Agriculture is itself directed toward the prevention of disease of human beings. Of the \$897,200 appropriated for the general expenses of the Bureau of Animal Industry during the current fiscal year, the Secretary of Agriculture is authorized to employ any part that he may deem necessary or expedient, in such manner as he may think best, for the collection of information and dissemination of knowledge concerning livestock, dairy, and other animal products, and for preventing the spread of tuberculosis and glanders. For the inspection of meat and meat products he has at his command the unexpended balance of \$3,000,000 appropriated permanently for that purpose in June, 1906. The \$584,780 appropriated for the general expenses of the Bureau of Plant Industry is available for, among other purposes, the investigation of drug, medicinal, and poisonous plants and plant industries, and for the study and discovery of methods of preventing algal and other contaminations of water supplies. The \$650,000 appropriated for the general expenses of the Bureau of Chemistry is available, in part, to investigate the composition and adulteration of foods, drugs, and beverages, and the effect of cold storage on the healthfulness of foods; to investigate the

character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles that should guide their use; and to investigate the chemistry of dairy products and of adulterants used therein. The \$113,800 appropriated for the general expenses of the Bureau of Entomology is, among its other purposes, available for the investigation of insects in their relation to diseases of man and as animal parasites. Truly, we appear even now almost to have a department of public health, but we seem to be approaching the problem because of our interest in the cow, the sheep, and the pig, in formaldehyde and boric acid, in algae and bacteria, in mosquitoes, flies, and hookworms, and not because of our interest in man and the community in which he lives.

But the figures that have been given should not be misunderstood, for the appropriations to which reference has been made must be drawn upon for many purposes in addition to those that have been mentioned and probably only a small part goes toward the study of public-health problems. They have been brought to your notice merely to show the willingness of the national government to provide for the study of problems relating to public health when an occasion for doing so presents itself. On a basis somewhat different from that of the appropriation for the Department of Agriculture is the appropriation made for the Treasury Department for the use of the Public Health and Marine Hospital Service; but with respect to this, as with respect to the former, it is difficult to determine just how much of the appropriation, \$1,517,750, is expended with a view to improving public

**The Govern-  
ment's Obliga-  
tion to Public  
Health**

health, since a part is spent for other purposes—in this case, for the treatment of sick seamen. The making of the appropriation is, however, a substantial recognition by the government of its obligation with respect to the public health. The

fund for the prevention of epidemics, which by appropriation and reappropriation is maintained at about a half-million dollars, is placed at the command of the President alone, and is a distinct recognition not only of the duty of the national government with respect to public health, but also of the possible impotence of state

and municipal sanitary authorities, inasmuch as the money is appropriated for use in aid of state and local boards, or otherwise, in the President's discretion. .

And over against the appropriations for the public health work of the Department of Agriculture and of the Treasury Department, and the appropriation for the prevention of epidemics, and still further in recognition by the government of its obligation with respect to the public health, is to be placed the money, amounting now to about \$55,000 per annum, expended by the Department of Commerce and Labor, through its Bureau of the Census, for the collection of vital statistics. If the money disbursed by the national government for the protection and improvement of the public health is accomplishing anything, the figures collected by the Bureau of the Census should show it. But they show also the result of the work of all state and municipal agencies laboring toward the same ends. They show the results of the social and economic changes that are going on, and of the education of the masses, through our schools, through the public press, and through many other channels. They reflect the advances of medical science. But nowhere is there any one whose duty it is to check the results of all of these factors by the census returns, and to determine the value of each factor as a guide for future work. Grant, if you will, that in the light of present knowledge no accurate results would be obtained from an attempt thus to decipher our vital statistics; are we, by doing nothing, going to learn how to interpret them? What we most want, and what we most need, is the very knowledge that will enable us to decipher such statistics, so that they may have something more than a merely historical interest comparable with that of the cuneiform inscriptions of the Assyrians. The problems of our soil and our livestock, our fields and forests, our birds and fishes, our weather and our constellations, are no more important than are our problems of public health, nor are the former any more likely than the latter to open up before us; and yet with almost universal approbation we spend millions of dollars every year in our efforts to solve them. Why not with equal earnestness undertake now to solve the vast problems that confront us with respect to the health of the nation? The individual is doing

all that he can or is likely to do. Some of our cities are engaged in the work. States have entered the field, though none too many of them. But the task is large and the health of the people is not a local problem. Let the national government gather together the workers whom it has already thrown out on the skirmish line, organize them, reinforce them. Let us have an army consecrated to the saving of human life as well as one organized for its destruction.

# Public Health and Municipal Sanitation in Cleveland.

By **WILLIAM TRAVIS HOWARD, M. D.,** Cleveland,  
Professor of Pathology, Western Reserve University.

Cleveland is situated on a slight bluff and extends eleven miles from east to west along the bank of Lake Erie. Its extreme width is some six miles, but its southern outline is very irregular. The city is divided unequally into an East and West Side by the tortuous Cuyahoga River, in the irregular valley of which are great numbers of factories. The total area of the city is given as thirty-five square miles. There are about six hundred and fifty miles of streets, only three hundred of which are paved (January 1, 1907); in 1901 there were only one hundred and seventy-one miles of paved streets. The unpaved streets are, however, mostly unimportant and in outlying districts.

The population according to the census of 1900 was 381,000; it is now estimated conservatively at 500,000.

There are about 70,000 dwellings, twenty per cent. of which have no water or sewer connections.

The streets are for the most part wide, the houses detached, with relatively large yards, which usually contain shade-trees and flowers. While crowded tenements filling a large percentage of the building-lots are not so numerous as in older American cities, it has been pointed out by the Housing Problem Committee of the Chamber of Commerce that overcrowding in certain parts of the city is a serious and growing evil.

The climate is cold and changeable in spring and winter, but the summers are mild, and as most of the residences are of wood and detached, the stifling summer heat of the crowded eastern cities built of brick and stone is not experienced.



During a large part of the year the business, factory, and much of the residence districts are enveloped for a considerable part of the time in a dense pall of smoke and soot-dust, which is not only depressing of itself, but robs the inhabitants of the stimulating effect of the sunlight, as well as of its bactericidal action on the bacteria of the street and other dust.

The drainage is mostly by sewers, but to a small extent surface. Surface water and house drainage are not separated, but are discharged by the same sewers into the lake, either directly or by means of the Cuyahoga River.

The water supply is derived from Lake Erie. Until three years ago the intake was one and one-third miles from the shore, a short distance west of the mouth of the river and opposite the outlet of some of the largest sewers.

**Water Supply  
and Drainage**

It is needless to add that the water supply was badly contaminated by sewage and that typhoid fever and diarrheal diseases were common. In the spring of 1904 a new water tunnel, with an intake four miles from the shore, was completed, and in a short time there was a marked decrease in the number of typhoid fever cases.

The construction of the new tunnel was undertaken on the advice of a commission of sanitary engineers given in 1896. This commission also advised the construction of an intercepting sewer to collect all the sewage of the city and to discharge it into the lake at a point some miles east of the city. In a few weeks about one-fourth of the sewage will be taken up by the intercepting sewer. At the present rate of progress it will be five years before this sewer is completed, and thus sixteen years will have elapsed before the commission's recommendation of 1896 will be put to the test.

The lake is comparatively shallow, and during and after storms the water is more or less muddy, and the water supply is constantly exposed to the contamination of passing ships as well as to that from the city sewage. Notwithstanding the present unsatisfactory method of sewage disposal, the water rarely shows the presence of intestinal bacteria more than two or three times a month. The water is always best when the lake is covered with ice. Except from a small part of the city supplied from a reser-

voir, the water is pumped directly into the supply mains, which radiate from the pumping station on the lake shore. Sand filtration is apparently out of the question, for lack of available land near the station and on account of the great cost of reversing the mains if the filtration plant were constructed in any outlying district of the city.

Most of the advance in public health and in municipal sanitation in Cleveland may be said to date from 1901. Before that time Cleveland had the characteristics of an overgrown village rather than those of a cosmopolitan city. The streets were covered usually with dirt or mud, according to the weather. The great number of unpaved streets opening on paved streets rendered it impossible to keep the latter clean, even had adequate measures been taken for the purpose.

The health office was frequently incompletely and inefficiently manned and was the "poor relation" in the city government. The citizens were busy and too unconcerned to acquaint themselves with existing deficiencies and the application of proper remedies.

In 1901-02 there was a widespread epidemic of smallpox (over 1,200 cases in 1902), which did more than any other agency to call attention to the inadequacies of the city's health department. About this time two public bodies of influence came to the front and developed an active and enduring interest in public health and municipal sanitation. These two bodies are the Academy of Medicine and the Chamber of Commerce. The former appointed a standing committee on public health and the latter a committee on municipal sanitation.

The Public Health Committee of the Academy of Medicine held frequent meetings, to which the health officer and the president of the board of health had standing invitations, and gave, and still gives, advice and support to the health department.

The Academy of Medicine in times of epidemics has held meetings, at which papers were read by leading men in medicine, sanitation and engineering, and were given to the newspapers for publication. In many ways the organization has advised and supported the health department and has moulded public opinion.

The Committee on Municipal Sanitation of the Chamber of

Commerce has been for five years the instigator and clearing-house for most of the measures of municipal sanitation in Cleveland. It is difficult for those not familiar with

**The Chamber  
of Commerce's  
Work**

public life in Cleveland to appreciate the power and influence for good exerted by the Chamber of Commerce on the civic life of the city. When the smallpox epidemic threatened to pass beyond the control of the Health Department, the Chamber of Commerce, through the concerted action of several of its committees, including the Committee on Municipal Sanitation, took charge of the situation, and, through its influence on officials and employers of labor, for the first time in the history of the city general vaccination was accomplished.

After the smallpox epidemic, the health officer requested the Committee on Municipal Sanitation to prepare a health code, stating that the code under which he was working was twenty years behind the times. This committee, comprising in its membership two leading lawyers, two or three business men and several physicians, meets several times a month. Among its undertakings and accomplishments are the drafting of an exhaustive sanitary code, the consideration of almost every aspect of school sanitation, the recommendation of suitable hospitals for communicable diseases, including tuberculosis (which are now already completed or in process of construction), the adoption of a thoroughly efficient system of street flushing, the inauguration of what is said to be the best and most complete system of milk and meat inspection in this country, the introduction of medical inspection in the schools, the conduct of a milk exhibit under the supervision of the government, coöperation with the Anti-Tuberculosis League in the holding of the National Tuberculosis Exhibit in Cleveland, and measures for the control of typhoid and smallpox epidemics.

The most important work of this committee has been the drafting and the enforcement of the sanitary code prepared by the

**The Sanitary  
Code**

committee and adopted by the Board of Health two years ago. The code, among other things, deals broadly and stringently with the reporting, isolation and control of communicable diseases of man and animals, requires successful vaccination as a condition of entry to

all the schools, provides stringent regulations for the production, care and sale of milk and for the inspection and proper care of meat and other foods.

Its efforts have been seconded in the most cordial manner by the Board of Health, the Public Health Committee of the Academy of Medicine, the Homeopathic Medical Society, the Veterinary Surgeons' Association, the Board of Education and the School Director and the Board of Public Service; and representatives of these bodies are frequently invited to its meetings, to give information and to assist in bringing about improvements and coöperation in all matters pertaining to municipal sanitation.

Through the representations of this committee the city government increased the appropriation for street cleaning, with the result that the paved streets are kept clean.

The department is governed by a board of five members appointed by the Mayor, who is ex-officio president of the board.

**Organization of the Health Department** The board has complete charge of all matters pertaining to public health. The official staff consists of a health officer, a secretary, twenty-six district physicians and school inspectors, thirty-two sanitary patrolmen, and the necessary clerks. There is a city chemical laboratory and a bacteriological laboratory for the examination of water and other foods. In the latter laboratory specimens from cases of suspected diphtheria, typhoid fever and tuberculosis are examined for diagnosis, daily examinations of the water and milk are made, animals suspected of rabies and material from the meat inspector are investigated. During the smallpox epidemic of 1902 a study of the pathology of this disease was made. The best organized and most efficient division of the Health Department is that of meat and dairy inspection, under the charge of Dr. C. W. Eddy, D. V. S., with a staff of about twenty assistants. In three years he has completely revolutionized the quality of the meat and dairy supplies of Cleveland. Before the Chicago exposure, acting under the new code, this department examined carefully all the meat killed in and about Cleveland, so that no meat was sold here unless it bore the stamp of the United States Government or of the city of Cleve-

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land. The meat regulations of the new code were copied, with a few alterations, from those of the Government.

The work of this division in regard to milk is of great interest. The milk is guarded in its progress from dairy to consumer. The dairies from which the Cleveland milk supply is drawn (within a radius of sixty miles from the city) have been inspected repeatedly. The dairy men are not antagonized, but their confidence and coöperation have been gained, and each dairy is scored on a card devised by Messrs. Lane and Weld, of the United States Department of Agriculture, and modified by Dr. Eddy. This method insures the fairness and thoroughness of the inspections. The inspectors when scoring a dairy point out to the proprietor the conditions which need improvement, and at the next inspection a note is made of all improvements. Up to the present, the average score of the dairies is somewhat below 50 (on a basis of 100), but with patient work in education Dr. Eddy expects that in a few years there will be marked improvement. Dr. Eddy and his assistants, through their experience at the abbatoirs, traced tuberculosis to a number of dairies. Unless the proprietors of such dairies submit their cattle to the tuberculin test and dispose of all cattle reacting, their milk is excluded from Cleveland and from creameries selling creamery products in Cleveland. Of the dairy cattle tested so far, thirty-two per cent. have proven tuberculous.

The general Cleveland milk supply, though much improved by the efforts of this department, is much below the ideal. The only weapon Dr. Eddy holds, besides persuasion, is the power to give and revoke licenses to sell milk in Cleveland. Under the regulations of the new code, besides the usual rules in regard to fat and total solids, the sale of milk having a bacterial content of over 500,000 per cubic centimeter is forbidden. As a matter of fact, the average count is now much below this figure, and later a more rigid standard will be adopted. No milk is sold except in bottles, it having been found that milk dipped from cans on the street contained 37 per cent. more bacteria than bottled milk from the same wagon. No milk is allowed to be bottled on the wagons. Methods of bottling and bottle-cleaning, and special bottles to be used only once are now being tested.



**Certified milk:** Through the Council of the Academy of Medicine a milk commission was started in 1903. This commission is composed of representatives from the Academy of Medicine, the Chamber of Commerce and the Homeopathic Medical Society. It set a high standard of purity of milk, substantially the same adopted by the milk commissions in New York and Philadelphia. So far, only one dairy has met this standard, but its whole supply is sold without difficulty.

**City Dairy Contest** Last spring the first dairy contest was held in Cleveland by representatives of the dairy division of the United States Department of Agriculture, under the auspices of the Chamber of Commerce, the municipal sanitation committee of which offered prizes. The scoring was on market milk and cream and on dairy farms. Some four hundred producers of milk for the Cleveland market were present at an all-day conference, at which addresses were made by representatives of the dairy division of the Department of Agriculture, the chairman of the Committee on Municipal Sanitation, the City Bacteriologist and the Chief of the Inspection Division. This contest was a great success and its educational value was marked. An interesting account of it and its results is given by Messrs. Lane and Weld in a recent circular devoted to this subject (Circular No. 117, Bureau of Animal Industry).

**Death-rate:** The annual death-rate of Cleveland is not large (average for six years about 15.5 per mille) when compared with that of crowded and closely-built Eastern cities, but it could be materially reduced by more stringent and systematic enforcement of the health code. The accompanying table gives the number of deaths per 100,000 from the most common infectious diseases during the years 1900 to 1906, inclusive.

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TABLE SHOWING NUMBER OF DEATHS PER 100,000 FROM THE MOST COMMON, COMMUNICABLE DISEASES COMPILED FROM HEALTH REPORTS.

	Typhoid Fever.	Diphtheria.	Scarlatina.	Measles.	Diarrhoea and Cholera Infantum.	Pneumonia.	Tuberculosis.
1900 .....	53.5	34.4	7.60	2.10	51.20	158.2	104.9
1901 .....	36.	31.3	8.70	2.50	49.00	175.4	68.9
1902 .....	33.4	40.0	7.75	3.25	93.25	176.2	122.5
1903 .....	112.4	39.0	3.80	2.40	97.10	159.2	140.2
1904 <sup>1</sup> .....	47.2	25.3	1.20	10.00	113.40	161.6	150.7
1905 .....	15.	21.6	10.60	1.80	116.60	151.1	138.1
1906 .....	20.	30.2	14.00	18.00	112.60	167.4	137.6

This table shows a typhoid mortality-rate which, at best, is much too high. The marked falling off from 112.2 in 1903 to 47.2 per 100,000 in 1904, and to a still lower rate the next two years, followed directly the opening of the new water tunnel in April, 1903. The cases of this disease are widely scattered in different parts of the city. In only one instance have the inspectors found typhoid fever among the attendants of a dairy. It is possible that the water supply is still the main source of infection. So far as the writer is informed, no systematic effort has been made by the Health Department to trace the source of infection in typhoid fever occurring in Cleveland.

It will be noted that the improved water supply has had no restraining effect upon the incidence of cholera infantum, which shows a steady increase.

The epidemiology of measles, scarlet fever and diphtheria are yet to be studied in Cleveland.<sup>2</sup>

<sup>1</sup> The new water supply became available April 1, 1904.

<sup>2</sup> A splendid work has been recently inaugurated by the Babies' Dispensary, an independent organization, which, acting under the advice and control of leading physicians, is actively engaged in the care of healthy and ill babies in the poorer districts.

Pneumonia was responsible for more deaths during the last two years than tuberculosis and typhoid fever together. A study of the autopsy of records from the leading hospitals shows that about 35% of all people dying in Cleveland have either active or latent tuberculosis. Thanks to the Anti-Tuberculosis League, under the presidency of Dr. Lowman, and with its numerous affiliations with other organizations, this disease promises before long to diminish in frequency. The city has accommodation for one hundred cases of incipient tuberculosis in the tuberculosis sanitarium in the country, and for sixty hopeless cases in the tuberculosis pavilion of the City Hospital.

An effort is being made to lessen the number of communicable diseases of childhood by medical inspection in the schools. Plans are being completed for such coöperation between the health and educational departments as will result in an effective system of medical supervision. Thanks to the response of the school authorities to the criticisms and suggestions on the committee on municipal sanitation, and the sanitary conditions of the public schools, especially as regards cleanliness, ventilation and lighting, is markedly improved.

There is a woeful lack of appreciation by both physicians and laity of the importance of reporting all cases of communicable diseases. Although there is a heavy penalty for not reporting cases of tuberculosis, few cases of this disease have been reported by physicians, and this notwithstanding frequent appeals in the medical societies and in the newspapers.

To sum up this very general view of the conditions of public health and sanitation in Cleveland, it may be said:

(1) That, in spite of the marked improvement during the last five years, the conditions are far from ideal.

(2) That this fact is due partly to the failure of the city government and partly to that of the general public, neither of which has, as yet, fully appreciated the urgent necessity for taking the initiative and for the investigation of the causes and modes of spread of the communicable diseases. Neither recognizes the importance of systematic investigation of the causes of the diseases which the health department spends its best efforts fighting. It is

not appreciated that every case of typhoid fever and of the infectious diseases of childhood, for instance, should be traced, if possible, to the source of infection, in order that by rational methods the secrets of their restriction and prevention may be discovered.

(3) That the executive activities of the health department should be extended and should meet with the hearty coöperation of the public.

**Summary**

(4) That the greatest recent advances in municipal sanitation in Cleveland have been in the department of dairy and meat inspection, due to the intelligent and conscientious work of the chief inspector.

(5) That the most powerful factor in the general advancement of public health and municipal sanitation in Cleveland is a committee of the Chamber of Commerce, which writes sanitary codes, investigates and inspects schools, hospitals and street-cleaning methods, holds dairy contests, is consulted by the school and health boards, and criticizes and praises according to the evidence; and these things occur in a city in which neither the people, nor the government, nor the great mass of the physicians has awakened to the urgent necessity for utilizing all that science, art and administrative powers can contribute to the solution of the questions of municipal sanitation.

# **The Relation of Municipal Sanitation to the State and the National Government.**

**By CHARLES O. PROBST, M. D.,  
Secretary Ohio State Board of Health.**

A great deal is being said at this time about the preservation of the Constitution. The proposition that the national government should exercise certain functions which seem to belong to the state has created much disturbance in certain quarters. It has revived the old question of state rights. But it has nowhere been proposed, I believe, that the general government should do things for a state which concerns that state only, or assume any duty of a state of wider or common interest which the state is willing to itself perform.

What has been advocated in this connection is exactly parallel to the relations existing, and unquestioned, between the family and the community in which it dwells. The head of the family is compelled to do certain things and is restrained from doing others, which are either for the protection of the individual member, or for the good of society at large. Only in extreme cases is parental authority to be interfered with, and many and obvious abuses of such authority must necessarily be unrestrained.

The comparison may be extended by noting that with necessary governmental restraint on the one side, there are obligations for assistance on the other. The government, municipal, state and national, must, in the interest of all, do many things for the family it is unable to do for itself.

With these premises we may be able to define the relation of municipal sanitation to the state and federal governments.

In the first place, we should have a just conception of the vast importance of national health, which, after all, **National Health** rests upon the health of the individual, and an understanding of the possibilities to preserve and enhance it.

To the individual, health outweighs all other possessions. How pitiful to us seem the affairs of men when watching at the bedside of a loved one whose life is trembling in the balance!

I venture to say that the same value attaches to the nation's health. We boast of our railroads, our vast agricultural holdings and great cities, and point with pride to our high per-capita wealth. But what are these but the achievements of a race of strong men and women! Wipe them all out and they would be replaced in a few years. But depreciate the national health; let the death-rate creep up to and then exceed the birth-rate, and extinction is only a matter of time for any nation.

Many years ago a noted English sanitarian said it was possible to so build and govern a city that it would have a yearly death-rate of anywhere from 10 to 30 per 1,000 inhabitants. Many cities still exceed the higher figure; none, probably, has reached the lower.

I scarcely need to extol the achievements or proclaim the triumphs of sanitation. Our own victories in Havana and Panama are fresh in mind. And it may well be doubted whether the canal could have been built without the aid of the sanitary corps.

Great as has been the results in freeing man from pestilence, in the saving of infant lives, in lengthening the days of activity of workers in all fields, those who can best appreciate the possibilities as well as the limitations of sanitation and hygiene are at times discouraged at the comparatively meager results.

The municipality, in the administration of its sanitary affairs, may be greatly aided by the state and national governments.

**Aid to Municipalities** Occasions may arise where the state or nation may have to apply coercive measures. It could seldom or never happen that the national government should interfere in municipal affairs unless the state neglects or is powerless to compel local action.

During the last epidemic of yellow fever in New Orleans the national government—by invitation however—assumed charge of



the situation. I do not know that aid or interference was necessary, but if it had been, and if the State had been powerless, or had neglected, to require the local authorities to enforce proper protective measures, the national government would certainly have been warranted in forcibly taking control. And I would even go a step farther, and maintain that this would have been justified even if the inhabitants of New Orleans had been the only ones threatened with danger. Cleveland did not hesitate to use national troops to quell the Chicago riot.

Possibly it is only in the case of pandemic diseases, such as yellow fever, cholera, or the plague, which are rapidly propagated and may quickly sweep over the whole country, that the national government should be authorized or permitted to forcibly interfere in municipal matters where state governments are lax or powerless.

The state as its creator approaches the municipality much more nearly and should have much larger control of all its affairs. This is especially true of matters affecting the public health. All our states have legislated along these lines, and the main question is, where shall state interference cease?

All will concede that a state may rightly enact general laws for the prevention of contagious and infectious diseases, and assume control, when necessary, for their suppression. And this, I believe, should be at the expense of the locality that has failed to enforce the law, which is the case in Ohio. It may not be so clear that the state should interpose in the use of a polluted water supply or the disposal of a city's sewage.

I will not enter far into the question of the relation of water to disease. While the experience of Washington seems to show

**Water and  
Disease**

that the purification of a public water supply may not greatly reduce an unwarranted prevalence of typhoid fever, being due there to other causes, and our camp experience during the Spanish war showed us that this disease may be communicated in various other ways, we have so many positive cases of typhoid epidemics from polluted water that we must still regard this as the most common cause for such outbreaks. Many other diseases are caused by the use of polluted water, but these need have no special mention here.

Now, a dangerously-polluted water supply is not purely a local question. When typhoid is prevailing epidemically, as it has, in cities like Philadelphia, Pittsburg, Chicago, Cincinnati, Cleveland and Columbus, and is due to a contamination of the water supply, it is a menace to the thousands of visitors who are compelled to go there; and even to travelers who merely pass through such places, as trains are frequently there resupplied with drinking water. I know of my own knowledge of many persons who have contracted typhoid fever in that way. And, furthermore, the disease may be thus introduced into and become prevalent in communities that were previously free from it.

A dangerous water supply thus becomes a general menace.

The majority of the citizens of such a community may be willing and eager to tax themselves for a pure water supply. The political situation may be such that the party in power, or the one temporarily out, opposes or, in underhand ways, thwarts measures to that end. Or the people vote down a bond issue for water improvement because they have no confidence in those who are to let contracts and handle the money. In other cases, where there is a limit to municipal indebtedness, other and, as I regard it, less needed improvements have so bonded the city that no funds are available for pure water.

Quite frequently, it should be said, those in authority are in no wise to blame, and general apathy, or short-sighted penuriousness of the heavy tax-payers, postpones for years a badly-needed improvement of this character.

Perhaps the worst thing to happen is to have large sums voted by the people of which a very considerable part is stolen, so that an inferior plant that fails to give protection is built. The people then not only lose faith in their public officials, but also, quite often, in the engineers and sanitarians who advocate the improvement.

There comes a time when the state should stop the distribution of dangerously impure water by any municipality. Nor should the state wait until the hundreds and often thousands of victims of repeated epidemics force the negligent citizens to action.

The state should assume the oversight, care and control of all its sources of public water supplies; and whenever it is shown

that the unwarranted and continued prevalence of any disease in any community is caused by impure water, it should demand, and when need be enforce, necessary improvements to be made. Furthermore, it should look to it that these improvements are adequate in extent and character. It should also approve all plans for public water supplies or their improvement; and where filtration works are introduced, should have them under frequent observation, with power to order necessary changes in methods of operation or in construction to insure satisfactory results.

It is perhaps even more needful that the state should be in position to prevent water pollution from municipal sewage. Sewage purification is very seldom for the benefit of those who have to pay for it. It is for the protection of people farther down the stream or lake. It is not often, therefore, that sewage-purification works are introduced until injunction or damage suits are brought.

In a very few states, including Ohio, plans for a sewerage system must be approved by some state authority, and such approval may be withheld in proper cases unless sewage **State Sewerage** purification is a part of the plan. But this does not give the State command where sewage pollution already existed prior to the State's assuming this indirect control.

Some radical legislation is proposed along this line in Ohio in a bill now pending before the Legislature. It provides, in brief, that whenever the state board of health deems it necessary for any municipality to change or purify its water supply, or purify its sewage, an order to that effect may be issued by said board, if approved by the governor and attorney-general. Failure on the part of any official to perform any act necessary to the carrying out of such an order works forfeiture of his office and subjects him to a penalty. The debt limit is removed so far as providing for such sanitary improvements is concerned. The state board of health is furthermore given authority to require changes in construction or operation of existing municipal plants for purification of either water or sewage.

This is an assumption of great power, but as the municipalities control largely the State through its Legislature, such authority must be wisely and rightfully used or it would be withdrawn.

While coercive measures to correct municipal sanitary evils may be required at times, we should rather look to the state and nation for aid and advice. The foundations of sanitary science have scarcely been laid, and we but vaguely see the outlines of the superstructure.

This science which seeks to protect and prolong life and increase man's efficiency in all directions has received scant recognition by our national government. Most of our knowledge of sanitation founded on scientific experiment has been given us by private individuals and a few progressive states and municipalities, or has been taken from foreign countries. Our national health department, though somewhat extended and improved in the last few years, and though doing valuable work within its limited sphere, still amounts to but little more than a coast patrol against the entrance of exotic diseases. We should have a national department of health adequately equipped with men, money and apparatus to study in an exhaustive manner all questions that affect the public health.

The United States may not for decades bring about the disarmament of nations. Let her set an example in the opposite direction. For every dollar spent in preparation for the killing of men in case of war let her devote another dollar for the saving of human lives. And, gentlemen, this is not a quixotic proposition. Unlimited expenditures directed by our best brains would in two generations revolutionize health conditions in this country and make us in every direction and in every sense the strongest and best nation on earth.

The work of a national department of health could, in large measure, be devoted to research and investigation, and the collection and compilation from all sources of information relating to health questions. It should be possible, for example, for any state or municipality to obtain from the national government all recorded facts of importance bearing upon any sanitary problem.

But what I particularly wish to advocate is that our national government should endeavor to solve the unsolved problems and become a contributor to sanitary science. The purification of water and sewage is still, in a sense, in the experimental stage.

That is, we shall doubtless find better, more certain and cheaper ways of doing each.

We owe to Massachusetts a debt of gratitude, if not of money, for the information she has given us along this line, worked out at her experimental station at Lawrence. Columbus spent \$50,000 in carrying the work regarding sewage disposal a little farther, but with special reference to local needs. Louisville and Cincinnati conducted extensive experimental operations to help them determine how to purify their water supplies.

It is true that the sewage and water of different localities differ in quality, and would require somewhat different methods for their purification, but there are still many unsolved general questions relating to these matters that should be taken up by our general government.

The best method for disposing of garbage remains to be found. Not a city in the United States has an entirely satisfactory plant. Experimental data are needed to determine what utility may be extracted from it. The national government might at least furnish expert assistance to any city seeking to solve the problem locally.

There is still much to learn about ventilation, especially of public buildings, and we do not yet even know just what it is in expired air that makes it injurious to health.

There is a long list of communicable diseases the cause of which we are in ignorance. Mr. Rockefeller has come forward and established an institute for the study of infectious diseases, but this is on a very small scale; and why should we depend upon private philanthropy for work of such character? The State of New York is conducting research work to discover the cause of cancer; but why should any state do this? Cancer is everywhere.

Disease is an unnatural condition and there is always a cause for ill-health. We have only vague ideas of the effect on health of climate, diet, occupation. Take milk for instance. Koch, who discovered the cause of tuberculosis, tells us that human tuberculosis is practically never communicated by milk, while Behring, another world's authority, says that cow's milk taken in infancy is responsible for the great majority of cases. Mr. Nathan

**Communicable  
Diseases**

Strauss, backed by some of our government officials, maintains that pasteurization, or heating, is the only method to insure pure milk for infants. But there are many renowned physiologists who hold that this changes the milk in an essential manner, and will interfere with the proper growth of the child, especially as regards the osseous system. This very important question can be settled only by a careful, painstaking investigation of a large number of individuals for a considerable period, and only the national government could undertake such a thing.

Sanitary administration is a very important question. While local laws must be moulded to fit local conditions and to suit the peculiarities of the people of a locality, many valuable facts of general application could be brought out by a thorough investigation of sanitary laws.

These are but a few of the many problems to which a national department of health would set itself.

The state should be in a close, helpful relationship with its municipalities. The local health authorities should be able to obtain from their state board of health correct information or helpful advice in regard to any sanitary question that may arise. It should be in a position to do a certain amount of investigation and original research work, aided, when requested, by the national government. Just as we have agricultural experiment stations, supported in part by the state and in part by the federal government, so we should have health experimental stations, with such dual support, where problems of a general character, affecting the health of all, may be worked out.

I might mention here that a very interesting report on sterilization of sewage by chemical treatment, and representing a year's coöperative work of the Ohio State Board of Health and the United States Agricultural Department, has just been published. There should be work of this kind continuously going on.

Let us demand a national health department, worthy of this great and free country, and let us unite upon a general plan.

This is no new question. Since the life was sucked out of the old national board of health thirty years ago we have been besieging Congress to give us a department of health. The form of its organization is not of first importance. Whether we have



a minister of health in the President's Cabinet, or a health commissioner at the head of a department, is not of great concern. It is vital, however, if we would change present conditions, that we do not oppose each other before Congress.

What we want is a man, with assistants, power and money. It will be our own fault if we do not obtain these.

In conclusion I would quote from President Roosevelt, who has said: "Our national health is physically our greatest national asset. I hope that there will be legislation increasing the power of the national government to deal with certain matters concerning the health of our people everywhere. I hope to see the national government stand abreast of the foremost state governments.

## Dinner to the Members and Delegates of the National Municipal League and American Civic Association, held at the Eloise Hotel.

THURSDAY EVENING, NOVEMBER 21, 1907, 7.00 P. M.

The Toastmaster, the Hon. Rathbone Gardner, at 9.35 p. m. rapped for order and made the following remarks:

*Gentlemen, delegates and members of the National Municipal League, and of the American Civic Association; ladies, and hoi polloi, (laughter):*

The hour has arrived, all too tardily when, having, as I trust, reasonably satisfied the demands of the inner man, we may devote ourselves to worthier pursuits, and to the enjoyment of the "feast of reason and flow of soul."

Some of you must, I think, realize the terrible temptation which assails me at this moment. The campaign came to an untimely, and all too sudden end. (Laughter). Its results were not entirely satisfactory. I find myself surrounded here by my political colleagues, and most of my political opponents. (Laughter). And if you were only willing to be educated, I could do for you more myself to-night than the distinguished speakers who are to address you. (Laughter and applause). But I realize my duty on this occasion.

One of my new-found friends has told me that I had the reputation of being a professional toastmaster; and if that is the case, I must try to live up to it. We are to listen to-night chiefly to our friends from abroad, and we ought to extend some word to them. It is too late to bid them welcome here, but it is not too late to tell them how deeply we have appreciated their presence, and all they have done, even unintentionally, for us, certainly incidentally for us, by their sessions in this city. We are loath to let them go without hearing something from them with reference to ourselves and our own conditions.

It seems to me that the City of Providence, and indeed the State of

Rhode Island, presents as fertile a field for the criticism of the defenders of the beauties of nature and of good government as any which could possibly be found. Perhaps some of them will be kind enough to tell us before the evening's exercises are over, what they think of Providence and how they like Providence. We will remind them, that, in our judgment, and the judgment of our citizens, we have a city as rich in natural beauties as any in America. Situated at the head of our beautiful bay, seated on its seven hills, with streams running through our valleys, and with woodlands extending to our very borders, we had an opportunity such as was offered to few communities, a great part of which, I fear, we have lost forever. I would ask them to remember, however, in extenuation, that we now have worthier ambitions. I would ask them to take cognizance of the fact that within ten years the citizens of Providence, by force of public opinion, have defeated an iniquitous project of selling the center of our beautiful Exchange Place Plaza for the erection of business buildings; that within a few months we have foiled the attempt to disfigure our historic and beautiful First Baptist Church grounds by the erection of a viaduct which would destroy the trees upon its borders. I would ask them to realize too that under the leadership, or rather, perhaps, with the constant prodding of one man in the community, the citizen who sits next to the last seat at this table on my right, (the Toastmaster pointing to Mr. Barker, amid applause), and whom the next generation of Rhode Islanders will recognize as a man to whom they should be more grateful than to any other man who has lived in this generation, we are developing a public metropolitan park system, which will change the whole aspect of our city, in the decades that are to come. (Applause.)

There is much for the members of the American Civic Association, who, I understand, are the guardians of the natural beauties of our land. There are matters of no less interest to engage the attention of the National Municipal League, which has to do with good government. We would ask them to realize that they have here for their study should they see fit to devote their attention to it, a system which is absolutely unique; that they find here a people who have lived up to this time under a constitution of the State and a charter of the State which is absolutely, radically vicious in every single particular, as every one of them would state, and yet we have done pretty well under it, owing to our inherent virtues. (Great laughter.)

Neither of these bodies could have come to any locality which would better repay their careful investigation, (laughter) but I have a plain duty before me. It is not to talk, but to introduce men to you whom you are much more anxious to hear. I regret to be obliged to acknowledge that during the three days of the sessions of these associations in

this city, I have been absent from the meetings. I have been so busily engaged, and so wretchedly unhappy physically that I have not had an opportunity to really find out who our distinguished guests are, (laughter) not even to consult the volume of "Who's Who in America."

The first gentleman whom I am to introduce to you I only know as Professor of History in Harvard University, and I have known him in the last hour as a man who talks most entertainingly privately, and who looks to me as though he would have something to say in public. (Laughter.) Let me introduce to you Professor A. B. Hart, of Harvard University, a Vice-president of the National Municipal League. (Applause.)

PROFESSOR HART: Mr. Toastmaster, Ladies and gentlemen, you owe this opportunity, not to the inherent virtues of this speaker, but to the accident that the Attorney General of the United States, the President of the National Municipal League—was unable to be present; and that I am selected to adumbrate him. (Applause). While the Attorney General has been called away, doubtless to prepare an anti-combine bill, (laughter) we are here engaged in the process of making up our little combination of League, Association, of citizens and of graces. Learning that there was an opportunity of this kind, I was one of the twenty-five gentlemen who applied to the toastmaster for the opportunity of representing the Municipal League, (laughter) and though the twenty-fifth I got it, on the principle of the young man, an applicant for employment, who said he was willing to take any place where there was a vacation. (Laughter.)

To-night, we have the representatives of every interest in good government: the ladies, the gentlemen and yon Providentials. This city must have been what old Dicaearchus had in mind two thousand and more years ago when he remarked that certain people "are high-minded, straightforward and staunch in friendship. The city is infested by a set of scribblers who worry visitors and rich strangers. When the people catch the rascals it makes an example of them. The true-born Athenians are keen and critical auditors, constant in attendance at plays and spectacles." That constancy, so characteristic of Providence, has been transferred from the meetings to this evening.

First of all, let me say something briefly of the reason why there should be reform associations, why they should be assembled here, and why there should be in this hall such a variety of representatives. You are all doubtless aware of the manner in which these enormous stones were rolled up into the walls of Baalbek, three of them, each some thirty feet long. The Arabic tradition says that on the first day King Solomon called all his masons and workmen to erect the first stone; and by a hard day's labor they placed it. The next day the work was too great for them, and the King called upon his army, and by tugging and pulling all together, they got a second stone placed. On the third day when the third stone had to be lifted upon the other two, all the masons and all the work-

**The Represen-  
tatives of  
Every Interest**

men and all the soldiers struggled without effect. Then Solomon called for his wives, who came smiling and each inserted her little finger under the stone, and it instantly rose to its place. (Laughter.) The wives of our modern Solomons are as important as Solomon himself, in all the measures of reform to-day, and the first ladies' auxiliary society, though composed exclusively of the wives of Solomon, was simply the prototype of organizations which have done much to assist the good work in which we are engaged.

We have the National Municipal League, we have the American Civic Association, because the work is national and American, this is one of the proofs that in our governmental system, we are every one members one of another. There can be no greater danger in American life and in American government than to suppose that the national government, the state government and the local and municipal governments are separate; that each can work without being in harmony with the other, and regardless of the other. Where there is a poor city system, there will be a poor state system and an inferior national system.

The evils of municipal government are spread throughout the country, that is to say, they are spread in all the cities where the National Municipal League and the American Civic Association have not yet met. (Laughter.) For in cities where they have met, such as Atlantic City and New York and Chicago and Philadelphia, there the reform has been complete. (Laughter.) And if I apprehend properly, from what the Toastmaster has said, that there is still improvement possible in Providence, it will only be possible until to-morrow night, for when the Association has adjourned and gone, the City of Providence is of course regenerated.

Another reason for national civic organizations is that the problems are the same throughout the country; we all have the same difficulties, the same needs. Everywhere there is the immigrant from abroad, and the immigrant from some other part of the United States; everywhere the cities are overflowing with population; everywhere there are similar problems of administration, or of finance; and the great merit of formal associations is, first of all, that they make people acquainted with the details of each other's problems. As one gentleman arises after another and tells you how unhappy are the conditions in his city, the thermometer goes steadily down in your mind; and then you hear something that sets it the other way. For instance, last year at Atlantic City, Mr. Booth, of Louisville, told us of an election stolen in that city, stolen with the aid of the police, taken out of the hands of the people; and through the influence of Mr. Booth and men like him, many of them members of one of these two associations, that election has actually been set aside and been declared null and void. The Court designated new officers to take possession of the offices, until there could be an honest election. That is the

sort of thing that you hear in these associations, which sends us away with greater courage to meet our own difficulties.

The spirit of organization is what creates these great national societies, and that spirit is absolutely necessary, because in the work of municipal reform, you have to confront organizations, and the history of American politics is full of warnings that the only way to meet powerful combinations, is by forming opposing combinations which shall rest not simply upon the members or the efforts of any body of individuals, but shall be surely buttressed upon public sentiment, which is the king in America, whose word alone is sovereign; and that word, once distinctly heard, causes every boss and every politician of corrupt intent to bow his head.

### **The Spirit of Organization**

Furthermore, we need organizations so that we may know each other; we need to stand shoulder to shoulder, because we are in civic warfare. There is no use in trying to make out that politics is an easy or a pleasant pursuit. There is some excuse for the individual who was reproached for being on the fence politically, and who replied, "I have to be; it is the only clean place." (Laughter.) It might have been suggested to that man that he had better do something towards cleaning a place on which at least he could set the soles of his feet. We have common enemies, enemies widespread, relentless and unscrupulous.

Among these foes of good government are two sorts, the pirates and the pickpockets, the Crokers and the Platts, the men who make no pretext for being in political life for anything but their own advantage, who aver that "they are not in politics for their health;" and alongside them you have a still more dangerous body of persons throughout the country, who pretend that they are for the principles of free government. It is the demagogue's trump-card to pose as a representative of the sovereign people; and the only way to meet both the robber and the hypocrite is to organize.

Furthermore, we have in the corrupt politician a determined and unscrupulous enemy. An old traveler said of the Thebans that "the inhabitants are high-spirited, and wonderfully sanguine, but rash, insolent and overbearing, ready to come to blows with any man, be he citizen or stranger. As for justice, they set their face against it. Business disputes are settled not by reason, but by fisticuffs, and the methods of the prize ring are transferred to courts of justice." Please do not think I am describing any city or political society in the United States: these are simply the characteristics of the City of Thebes as it existed two thousand years ago.

What is the cause for which this gathering is assembled here? I feel in looking upon your faces, gentlemen, like the student of Harvard College, where we have chapel services under the auspices of successive denominations—to-day an Episcopalian, to-morrow a Presbyterian, and so on—who, when asked at the end of the winter to what denomination he



supposed those preachers to belong, replied: "I thought they were all Methodists." (Laughter.) In the same way, I look upon you all as reformers. Every face I see before me seems to be that of a man devoted to the cause for which these associations stand. And, Mr. Toastmaster, it is a splendid and a noble end that these associations have in view. We see in our mind's eye the city beautiful, the

### **The City**

city sound, the city healthful, the city clean, the city prudent, the city advancing in civilization. It is our purpose to attack everything that prevents that development. Our hopes are bright, for, Mr. Toastmaster, the American Civic Association and the National Municipal League look forward to that happy time when every city in these United States will be as clean and well ordered as Washington, as energetic as Chicago, as grandiose as New York, as pleasant as Cambridge, as hospitable as Providence. (Applause.)

THE CHAIRMAN: We are all grateful to the Professor, among other things, for his having consented to indulge to some extent, in airy persiflage. As we have read the reports of the meetings of the Association, and have noted the strenuous life that they were leading, and the intense earnestness which they manifested, it has been a little overpowering, and we are glad to realize that these high-browed creatures can descend when occasion requires. (Laughter.)

The next speaker of the meeting is one whom I am to introduce only to the strangers at this board. You have held your meetings at Brown University. To see his monument, you have only to look around you. But he is not dead, and to furnish us with brick and mortar in the shape of beautiful buildings, is not the main purpose for which we keep him here. We keep him to represent the City of Providence in the best possible light to every one who comes here who does not know us, and whom we may possibly be able to deceive. (Laughter.) If the Emperor of Germany were to arrive in Providence at midnight, we should go at once to the residence of the President of Brown University, rouse him from his bed, bring him down the street, and rest in perfect assurance that he would make a speech absolutely worthy of the occasion. (Great laughter and applause.) Let me present to the gentlemen from abroad, President Faunce.

PRESIDENT W. H. P. FAUNCE of Brown University:

Mr. Toastmaster and Gentlemen—I am profoundly grateful that my few remarks to-night need not be uttered in the German language. (Laughter.) And so are you. (Laughter.)

It is doubly pleasant to speed the parting guest when we have reason to think that those who came as guests depart as friends.

### **A Definite Imprint**

The coming of these associations to our city has touched, I believe, all sections of the community and left a definite imprint for good. We have had many conventions here, and want many more, but none that we have ever held, I

think, has found a warmer place or its utterances been pondered more generally.

A friend of mine who just returned from Europe told me of the inauguration of the dean of one of the colleges at Cambridge. A certain village rustic gazed in open-mouthed wonder at the great academic pageantry of the occasion, the gorgeous millinery that was displayed in the robes of every conceivable rainbow hue. After having observed the whole procession, as it passed, he turned to his wife in bewilderment and said: "I have seen many sights in my life; I have seen Barnum's circus; twice I have had delirium tremens, (laughter) but I never saw anything like this." (Great laughter and applause.) We have had in Providence conventions of chemists, of philologists, of artists, of famous scholars and workers and administrators, but gentlemen, I know what I say when I declare that I believe we have never had any convention here that reached more generally the different sections of our community and left a more helpful message behind than these three days have left.

This morning I met a personage outside of Sayles' Hall—I presume he is here this evening—who seemed to me to be an important person. I thought he might be the president of some city club, or some official dignitary, and I said to him somewhat bluntly: "Pray, sir, who are you?"

And he said, "Oh, I am not an officer; I am nobody, just an earnest fellow." Somehow, that stayed in my mind all day—"Nobody but just an earnest fellow."

I believe that earnest fellows are good fellows; and when earnest fellows can put on top of their earnestness, intelligence and insight, a knowledge of the times and how to meet their needs, we have a combination that will be irresistible.

The great problem—have we not seen it the last three days?—the great problem in America is how to preserve our splendid individual initiative and responsibility, and at the same time achieve a society, coherent, efficient and progressive. Our Puritan principles, combined with our Anglo-Saxon temperament, have given us in this country the finest development of sheer individual initiative that history ever saw. It is something that we are proud of, something we rejoice in; it is the secret of our greatness, and also the secret of our corruption. How can we keep it, and at the same time achieve a social form of effort which shall be far more efficient in the future than in the past? It is most interesting to take a look at the literature of our past, and see how that individual initiative is right in the very heart of it. Take that song of Whittier's, the song of the poor voter on election day—how splendid is the pride of American sovereignty!

"The proudest now is but my peer,  
The highest not more high \* \* \* \*  
Up clouded knee and ragged coat,  
A man's a man to-day!"

That is very heroic, very fine. I suppose it once used to be true; and yet, somehow, when the voter goes to the polls to-day, and finds so often his choice is between two puppets put up by the party bosses, he is not quite so sure about the highest not being more high than himself. Bunyan's pilgrim in his progress shows us the splendid struggle of the individual who pushes right on through this world, and gets himself within the jasper gates, but with no thought whatever for the amelioration of the world as he passes through it. Bryant's "Thanatopsis" shows us a man, virtuous and admirable, according to his light, who dies without any thought of leaving the world better, but "wraps the drapery of his couch around him and lies down to pleasant dreams." The maxims of Benjamin Franklin have found the heart of our American temper in a very subtle and wonderful fashion. They strengthen what they found in us, but in all the maxims of "Poor Richard" there is not a shred of altruism. There is not a maxim that bears on what you have been doing here these last three days. I wonder sometimes how far the ideals of some public officials in the city of Philadelphia is due to the influence of the maxims of Benjamin Franklin. (Laughter.) I am very sure that some men who have occupied high office in the City of Philadelphia have perfectly well understood, have never for a moment doubted, that "a bird in the hand is worth two in the bush." (Laughter.) I am inclined to think that some of the men who built the magnificent capital at Harrisburg have never in their lives questioned that if you "take care of the pennies, the pounds will take care of themselves." (Great laughter.) Now, gentlemen, we have got to get beyond that old individualistic ethics, if we want to have the country that we ought to see here, the country that we believe may be here. We want to preserve that strong individualism, and yet we want to get into the place where the country shall be greater than the man, where public office shall be a public trust, and where every man shall be delighted to give an account to his fellows for the talents which his fellows have entrusted to his keeping.

What can we do? I believe that every one of us—no one of us can reform the world; we don't want to; no one of us is responsible for the whole country—every one of us is bound not to acquiesce in wrong, for to acquiesce in wrong is to become "partaker of other men's sins." There is a fine place in Holy Writ which seems to have escaped notice usually, as we read it, but which always is to me strangely pathetic and ironical at the same time, where, in the story of the Gospel, we read that Peter, the spokesman of the band, "sat by the fire and warmed himself." Just a few rods away was the one that he believed to be the Messiah of the world, and Peter "sat by the fire and warmed himself." The purest character of all history was being condemned and scorned and spat upon; "And Peter sat by the fire and warmed himself." There are multitudes of men to-day stretching forth hands too white and fair for any genuine work, warming themselves at the glow of our institutions, accepting all

the glow and gladness that society brings to them, and yet doing nothing for the betterment of the world. You remember how

**Selfishness**

**Indifference of  
Culture**

Walter Savage Landor has put that same sentiment into his own epitaph—I do not know whether it is on his tombstone or not, but he wrote it for his tombstone—a few lines summing up his own conception of life:

“I strove with none, for none was worth my strife;  
Nature I loved, and next to Nature, art;  
I warmed both hands before the fire of life;  
It sinks, and I am ready to depart.”

There you have the selfishness of culture; there you have education, not for the service of the state, but education solely as a means of segregating one's self from the common herd, and enjoying the delights which culture in that form can give. That is what we do not believe in; that type of education we do not believe in, we cannot stand for.

There's an old oath, the oath of the Ephebi, which some of you know very well, the oath taken by every Athenian young man as he reached the days of early manhood and was to be invested with the tokens of citizenship. Stand in the presence of the magistrates, those young Athenian men for generations took this oath:

**The Oath of  
the Ephebi**

“I will not desert my sacred arms. I will not forsake my fellow soldier by whose side I may be set. I will reverently obey the laws which have been established and shall be established in the future, and the magistrates by whom they shall be executed. I will leave my country greater and not less than I found it. I will not forsake the temples where my fathers worshiped. Of these things the gods are my witnesses.”

Do you call that paganism? Then let us see a little more paganism in America. If that is heathenism, then let us import some heathenism. To my mind it is simply a splendid union of patriotism and religion, of the highest development of the individual and the largest possible service of the State. The combination was possible in Athens; it is possible in Providence, and in all the cities of America, and you gentlemen, our fellow workers in this great cause, are doing something to make that ideal possible and actual in America. (Great applause.)

THE CHAIRMAN: It is painful to be obliged to criticize in any respect the brilliant address of the president of the University, but I cannot refrain from commenting upon his inexcusable ignorance of the fate of bills which are introduced by the Senator from Providence. (Laughter.) I will promise to call the matter he refers to to the attention of the Senator from West Greenwich at the next session, (laughter) and the reform will then doubtless be accomplished.

Now, I have the pleasure of introducing to all of you another local

light. Not all of the members of your Association were present at the opening exercises when the Mayor of the City of Providence welcomed you, and many of our own citizens in this room do not know him as they ought to. Those who do know him are very fond of him. They express that fondness as we express our real love for the president of these United States. (Applause.) We never call him by his sur-name. To those who fully appreciate him, he is "P. J." (Laughter.) Let me introduce to you "P. J.", the Irish Democratic mayor of our goodly city. (Great applause.)

HON. P. J. McCARTHY: Mr. Toastmaster, guests, ladies and gentleman—I never object to being known and called "P. J." (Laughter.) And since I acquired a controlling interest in the leading paper of the city, (laughter) it is quite appropriate—the "Providence Journal." (Great laughter.) I am willing also that I shall be known as "P. J." because I was Presiding Justice, (laughter).

President Faunce has related a scene in ancient history, describing a man who was very comfortably seated by the fire, warming his feet, and he kept on warming his feet. Times have changed; to-day they refer to such men as men with "cold feet" (laughter).

Well, Mr. Toastmaster, ladies and gentlemen, I welcomed you the other day at the opening of your convention, and I wish to extend another welcome in the form of thanks for your coming to Providence. We all concur in the statement that this is one of, if not the, very finest convention that was ever held in the City of Providence. We all realize that Providence and the State and the neighboring states will be much benefited by your work here; and in this connection I wish, as chief executive, to tender the thanks of the city government and of the people to the press for the excellent reports which they have given of your proceedings. (Applause.) And also to tender their thanks to Brown University and its president, (Great Applause) for their courtesy and kindness and assistance, not only in giving us a place to meet, but contributing towards the entertainment, many of the students and professors acting as members of the Executive Committee. I wish also, as Vice-Chairman of the Executive Committee to tender the thanks of the people to that committee for the excellent work which they have done.

We lived here in Rhode Island for over 150 years under the King Charles charter. In 1842 Rhode Island adopted a constitution, and they have been amending it ever since, and there are still needs of amendments and patches; and for the past twenty-five years a great many who believe in the traditions and follow them closely, acted as though they still thought they were under the King Charles charter. King Charles reigns here yet, (Laughter), and has for twenty-five years; and we have been troubled during all that time and for a period down to

**Welcome—**

**Thanks**

**The B. I.  
Charter and  
Constitution**

the present date with the complaint, that is not yet listed, I think, by the medical fraternity, but which I would call "*partisanitis*." One of your delegates read an excellent paper on partisanship. We are troubled with that here. We have been, but there are indications of recovery, and I think that as a result of your convention here we may adopt the remedies suggested by you and insure a permanent cure.

There are others to follow me, and I will not detain you any longer, but will conclude by saying that, on behalf of the people of the City of Providence, including the city government, we extend our thanks to the delegates of the organizations for your presence here. We trust that you have enjoyed your visit, and that you will all return home safely, well, and well pleased, and always remembering that Providence thanks you and will pray for you and trust that you will come here again when you hold a convention next year or the year after. (Applause.)

THE CHAIRMAN: The writer for the press may regard his work as ephemeral, but it is very much more before the people than that of the sober professor from Harvard University. The next speaker perhaps not many of you have heard. You all have read him and read him with recurring delight. Not only has he made you his debtor in that respect, but, by consenting for the time being to become a member of the criminal classes, in order that he might fight a great evil in the community, and in now taking up a desperate conflict with "Postum," and "Grape Nuts," he has endeared himself to the people of the United States. (Laughter.) Let me introduce to you Mr. Norman Hapgood, the editor of "Collier's Weekly." (Applause.)

MR. HAPGOOD: Mr. Chairman, ladies and gentlemen, as I came here this afternoon through a most lovely and sign-ridden landscape, (laughter) my purpose was twofold: I expected an excellent dinner, which I have already had, and I expected, in the midst of one of the most interesting gatherings that could be gotten together, to hear the best ideas of the day. That purpose also has been accomplished, and all that is left for me really is, in a moment on my feet, to thank you, and to say a few words about the feelings which are inspired in me by this work. The love of natural beauty, one of the subjects out of the many which you deal with, is found in a far greater portion of humanity than the love of art. The love of architecture, of sculpture, of tragedy, requires for its full appreciation something of the training which characterizes all of us, but the love of a setting sun, of a long and level stretch of snow, is a joy that reaches the laborer as well as the artist, that reaches the simplest nature as well as the connoisseur. To make the most, therefore, of what nature has given the country, is certainly one of the highest efforts, one of the most far-reaching in its effects, that any body of men can undertake.



As far as the appreciation of the artistic work of man is concerned, I think the progress of the United States is all that any reasonable observer could expect. Some of you will remember per-

**Appreciation of Artistic work** happens this sentence from Sydney Smith: "In the four quarters of the world," he asked, "who reads an American book? Or goes to see an American play?

Or looks at an American painting or statue?" The day for that jibe has passed. Our appreciation of the "light that never was" has grown until it has shown itself in many of the arts to a degree that puts us on a level with almost any country in the world. In architecture, for instance, I think the best judges to-day put us first; in landscape painting we probably come second to France alone; even since the death of Augustus St. Gaudens, in sculpture we can probably pretend to second place; in music, although we have not been yet creative, we have gone so far in appreciation that we are probably on the high road to production for ourselves. Now, if a democratic nation, a busy, heedless and industrious nation, can do so much as this for that kind of beauty which, after all, must ever be beauty for the few, how much more ought we to take seriously the preservation of what Nature has given us, the preservation of what must

**Appreciation of Nature**

have a far deeper influence on the lives, on the characters, the intellect, the sensibilities of all our people? We are part of our environment; its effect on us in all respects is immediate and constant; and it is difficult to believe that any part of the history of a nation is entirely separate from what we see with our eyes. Who shall say whether that outburst which we call the renaissance would ever have taken place without the magic of Italian river, hill and sky. Who can be sure that that little period which crowds into itself many of the highest reaches of the human taste and intellect, that little period would ever have been given to us had corsets and Cascarets obscured the loveliness of Greece? (Laughter and applause.) Who can believe that that river of song, which has been the glory of art of England, her poetry,—that stream which began before Chaucer and bore on its bosom Shakespeare and Milton and Wordsworth and Shelley and Keats, and which has not run dry to-day,—that that ever should have pervaded English life without the intimate and exquisite beauty of the isle?

That we have made progress in the work of doing justice to what nature has done for us, more than half the people present here might know infinitely better than I; but as I read that one judge in California has already decided that the eye is capable of outrage, as well as the nostril and the ear, (laughter) I feel sure that in the future that decision will lead to a long period of judicial decisions in the same direction. As I read that business men of Cincinnati have combined to approve the rule that business may take an active part in defense of beauty, as well as in defense of ugliness, I feel that that example must be followed from Providence to the Pacific coast. (Applause.)

What Nature has done for us probably equals what it has done for almost any country of the past. Through the United States, from the rocky coast of Maine to the sands of Florida, from your own gentle New England lawns to the majesty of the Rockies, there is every kind of scenery, every kind of inspiration; and if we make the most of it, if we do for landscape what we have already begun to do at this late day for saving our water fronts, in those cities where it is still possible to save them, for saving the forests, that source of all that is strongest in national life; I imagine—and it is the only word that I wish to speak here in the presence of hundreds of men who are first in these topics, and who are the teachers with whom I wish to spend a few hours in learning—I wish to express the belief that within the next few years this movement towards beauty in all its departments, as represented in this matter of signs, will sweep through this country to victory, fired by a sentiment which lies beyond and beside our commerce and our partisan politics. There has always been an immense feeling of power in the United States, and movements, now beginning, that are purely esthetic in their nature imply, I am sure, **American** the bringing out, the developing, the bending into the **Power** best channels of all the energy that heretofore has left us in the condition that Sydney Smith described. I think it must be a source of the utmost satisfaction to us here tonight, and to all lovers of the beautiful everywhere, to contemplate the progress that is now being made in the work of beautifying our land and thereby uplifting its people. (Applause.)

THE CHAIRMAN: I know only one thing about the next speaker. He is President of the American Civic Association, and that, to my mind, in view of what that Association has accomplished under his leadership, is enough. Every one of us who has ever taken even a little part in a movement of this character knows perfectly well that its success or failure is generally determined by the man who leads it, and the man who has led it this year has not only manifested an appreciation of its proper scope, but he has had the wisdom to seize an opportunity to bring the work of the Association before the American people which, once passed, perhaps would never have been regained. I refer to Mr. McFarland's work with reference to the preservation of the beauties of Niagara. (Great applause.) That one thing probably has done more to commend this organization to our people than all the rest of its more prosaic work. I introduce to you Mr. J. Horace McFarland, of Harrisburg.

MR. MCFARLAND: Mr. Toastmaster, guests and fellow cranks, male and female (laughter), I might proceed to lecture you upon the work and the aims and the desires and the hopes of the American Civic Association just as long as you did not find the door (laughter). I might tell you that that association exists, as has been aptly defined, to do "large things

for small places, small things for large places, and good things for all places." I might branch into this sign industry with which I am so much involved, and suggest to you that you cannot possibly imagine the streets flowing with milk and honey begirt by sign boards, or think of the lake of fire and brimstone without billboards (laughter). And I might keep on, but it seems to me that we have had enough in two or three days of serious consideration of serious subjects. I, for one, am tired of Niagara to-night. (Laughter.) I don't want to hear of the Grand Canyon of Colorado. (Laughter.) I don't care a continental about the administration in any city. (Laughter.) Your Mayor can walk off with the city treasury to-morrow if he wants to.

**Fun and Civic Improvement** To-night I would rather tell you a little bit about the fun that comes to me sometimes in connection with this work, for, strange as it may seem, in this work of civic improvement one does run once in a while against the American brand of humor.

It was my fortune at one time to make an address, in the City of Chicago, on trees. They do not have very many of them in Chicago; therefore the reporter may be pardoned who, hearing me say that fruit trees were suitable as ornamental objects, rushed off to the office of the "Tribune" which printed a report of the discourse headed "He Would Plant Apple Trees on City Streets." (Applause.) He gave a complete and circumstantial account of the various things I did not say, and wound up with a complete detailed interview with all the Italian fruit sellers on State Street, who unitedly agreed I was about to ruin their business. (Laughter and applause.)

I had a little scrap in Pennsylvania last year with some of the bill-posting people about a law we wanted passed. They descended on us in force through the medium of certain legislators, the most notorious of whom was from the smoky city to which I have been unfortunately assigned but which I shall now disclaim. I am willing to stand for the Capitol if I must, but I won't swallow Pittsburg smoke. (Laughter.) As a result of this conference, the president of the Pennsylvania Association of Bill Posters and Distributors invited me to deliver an address at their annual meeting, and I, having been long known as a fool of great temerity, went. (Laughter.) I found when I got there that I was not to participate in the convention at all, for I was told by the president that if I would wait outside until they were ready for me, I might then be admitted. (Laughter.) In due course of time they took a recess in order to fortify themselves at the hotel bar, and then I was permitted to come in. (Laughter.) I had there the pleasant experience of facing the editor of "The Bill Poster and Distributor," the national organ of these gentlemen. The editor was a man who had been interesting himself in describing me by a name I never had the honor to bear, and he had also written some little pleasantries about the reformers of whom I

see so many examples here. We were, gentlemen and ladies, all "short-haired women or long-haired men," wild-eyed agitators of an irresponsible type, silly cranks, and so on; and it was with immense pleasure that, when I had this man in the room and the door was shut—because the sessions were secret—I told him if he wanted to go on writing that kind of stuff, it would give me a great deal of fun to read it, and that I had no doubt in the world it would please his readers, but it reminded me of the tactics said to have been used by the

**The Opposition** Chinese army, not so many years ago, when they went  
**of Chinese** to fight the canny little Japanese, they arrayed them-  
**Tom-Toms** selves in various grotesque garments, beating tom-toms and making a loud noise. I said that if he was willing to beat the tom-toms, we would attend to the Japanese part—and do you know, he has not printed a single lie about me since?

I spoke in Milwaukee once about trees, and they were ornamental trees. I had a terrible time getting out of that hall—it was a women's club. (Laughter.) A woman pestered me for fifteen minutes to tell her how to get rid of the codlin moth on her fruit trees.

But I think the mail requests are sometimes the best. One good woman wrote, saying that she would like to be advised by return mail how to grow mushrooms. (Laughter.) If she had asked me about toadstools, I would have been all right, because I could have referred her to the stock growth of Inter-Met. in New York. (Laughter.)

I mention these things to show you that there are humorous aspects to this subject that help to lighten the serious things we mostly have to deal with.

Now, before I let you go I want to ask you to forget the corpse. We are all very ready to take bouquets to the graveyard and to the house, and sometimes a man who has not had any particular stuff to put in his market basket is surrounded by large amounts of flowers when his remains are carried to the graveyard; but I want to say that I have always told my friends I would like to see a few of the bouquets coming my way while I can smell the flowers. (Laughter and applause.) You have a man here in this city who has had a few bouquets coming his way; but I know what he really wants and you know what he wants. He has been exerting himself to make this town a better town. He has been calling your attention to your sins in the matter of parks; he has been hauling you over the coals about the disgraceful way in you have neglected the wonderful natural river front and water front of which I have heard so much in the last few days, and you have been almighty slow about delivering the goods. You have given a cheer to Mr. Barker to-night, and I have heard two or three fine things said about him. They do say he is your best citizen, and I suppose you will put up a monument to him after he dies. (Laughter.) I can state to you that the monument he wants is your help toward the early completion of the

magnificent plan for a metropolican park system, for which he is responsible, for which he is working, and the good of which and the benefit of which will inure forever to the City of Providence. Help him before he dies. (Great applause.)

THE CHAIRMAN: Mr. McFarland is sorry to see that we are so slow in obtaining these public improvements in Providence. I would say that in New England we have a way of handling these things, and it is that within not less than twenty years nor more than thirty years we will give serious consideration to any project. (Laughter.)

The next speaker, and the last speaker, I am sorry to say, may not be *persona grata* to everybody in this assembly. I have recognized him most frequently by his stamped signature on requests for a prompt remittance of my annual subscription, and I presume many of you have communicated with him in the same way. He is, however, it seems to me, a man to be envied, a man who has found his lifework and a man who has done it to the satisfaction of those for whom he has worked and to his own, I hope, and believe—no, I don't, because if that were the case, he would not be the man I think he is. Let me introduce to you Hon. Clinton Rogers Woodruff, Secretary of both of these Associations. (Great applause.)

MR. WOODRUFF: Mr. Toastmaster, ladies and gentlemen, as stories seems to be the order of the day, I suppose I may be pardoned for commencing what few remarks I may have to make this evening with a story which I heard Mr. Watchorn tell the other night at a meeting where we both had the privilege of speaking. He was telling of a visit he made to an Ohio town, with which he had some acquaintance. It happened to be Sunday when he reached there, and the town was very much excited. He asked of a man, "What is going on to-day?" "Well," he said, "you know So-and-so has been seven or eight years away at college and the theological seminary, and has come back to deliver his first, his very first sermon in his father's church." "Well," said Mr. Watchorn, "then I shall go and hear him." He went and found the congregation crowding the building. The people were sitting there with great expectancy, and at the psychological moment the young man—who had been seven years preparing for the great event—came out, ascended the pulpit with great pompousness and announced his text; he repeated the text; he repeated it again and again and again and again; and finally he left the pulpit very much dejected in spirit and humiliated, after which an old man, who had been very many years connected with the place as deacon, went to him in the vestry room and said: "My dear friend, if you had ascended the pulpit in the same spirit you left it, you would have left it in the spirit with which you entered it." (Applause.)

Mr. Toastmaster, I want to make a confession here to-night, that I came to Providence with fear and trembling and trepidation, not as to

to the welcome which awaited us here, because it has been my gracious privilege to be many times a guest of Providence, and never to find its hospitality wanting; I knew there would be a glad welcome for each of us here, that there would be a hospitable hand held out to us, that there would be a fine and encouraging environment, but I did feel some trembling and some fear as to the outcome of the experiment which we were trying for the first time in this country, of bringing the great civic forces and factors together in a general conference. But I am very glad

**A Successful  
Conference**

to say that though I came with fear and trembling, I go away with a feeling of pride and courage that there has been established a new record in civic endeavor in America, and that these two national organizations, working for a better and more beautiful America, are working hand in hand together; and that co-operation which has been manifested to you here this week has produced what, I think we may say with truth and sincerity is perhaps the greatest civic event of the kind this country has ever witnessed. (Great applause.)

Mr. McCarthy, the distinguished and very interesting Mayor of this town,—who I want to say right here was one of the efficient factors in making the meeting a success as vice-chairman of the Committee on Arrangements, and as Mayor of the city, has been untiring in his efforts,—asked me to say a few words in regard to the local organizations which are represented here. You have heard so many facts and so many statistics that I am sure you will forgive me—and the Mayor too—I hope—

**Affiliated  
Organizations**

if I do not go into that question, but let me say that in the affiliated organizations of the National Municipal League there are over seventy thousand members represented, and in the 325 organizations identified with the American Civic Association there are between fifty thousand and sixty thousand more. And I verily believe that if these 130,000 in round numbers of men and women scattered throughout the United States carry out the advice which President Faunce gave and which Mr. McFarland has given in his closing remarks, that they will press the movement forward with a mighty impulse throughout the whole land.

The past year has been a wonderful one. It has been a year of progress, of uplift, of great enthusiasm, of great inspiration to those who know the situation, but I believe that, as a result of this meeting, held in hospitable Providence, in this fine environment of civic advance and endeavor, there will come still greater progress during the coming year.

Mr. McFarland has said that we have heard during these last three days a great deal of a very serious character, and that it is perhaps not the time to preach a sermon or press home a truth; and yet I cannot look into the faces of this audience, which, as Mr. Hapgood said, was an audience representative not only of the flower of Providence and of this country, but bears upon its features the stamp of intelligence and of



consecrated civic endeavor—without seizing the opportunity to say a few serious words, because I see men and women here who have not been able, by reason of various engagements, to get to the other meetings that have been held during the day or at least attend all of the various meetings, because of the diverse and crowded program. My dear friends, don't take a hopeless view of the situation. Don't feel pessimistic as to the outlook. Take a reasonable view—everything depends upon getting such a view and of making sure that your criticism is from the right standpoint.

If there is any one thing that characterizes the National Municipal League and the American Civic Association in their endeavors to establish a high standard of public conduct in our public officials, to establish better conditions of living, it is sound information, carefully worked out information. Such precedes all of their efforts, and the literature which they issue is based upon the careful, thoughtful, yes, I may say scientific, study of facts; and if these two organizations have attained any notice, as they have, far beyond their numbers, far beyond the reputations of those who are members of them, it is because their work has been founded upon a sound basis, because it represents careful, thoughtful, conscientious work; and I think the same is very largely true of a large number of the constituent bodies which make up the two organizations.

A year ago this very month we had a great meeting in Philadelphia, composed of the men of the Church of which I have the privilege of being a member, a great body of men who had been gathered, some 3,800 in number, because of their interest in Church work. We had as our guest Bishop Anderson of Chicago, and he talked to the men in this fashion: "Now," he said, "we are all proud of our connection with this Church. We frequently speak of the privilege of belonging to it and of the great glory that accrues to us by reason of our membership in it, but I am reminded of an incident that occurred in my travels in Europe several years ago. While traveling in Switzerland we came to a small town, just at the foot of a great mountain, which was to be ascended by a diligence. A number of us were intending to go up, and inquired what the price was. We were told that first-class passengers paid \$2, second-class passengers paid \$1, and third-class passengers paid 50 cents." The Bishop said, "I will take first-class tickets for myself and friends. The time for starting came, we went to the diligence to take our places, but we found that there was no particular distinction, that the first-class passengers took the same seats as the second and third classes." So the Bishop said to the driver, "What is the difference between the various classes of passengers?" "Well," he replied, "you wait awhile and you will see." They did so. After traveling two or three miles, they began to strike an incline; then they began to strike a sharper incline, and

when the sharpest incline was reached, the driver said: "Third class passengers will get out and push; second class passengers will get out and walk, and the first class passengers will stay on the diligence." (Laughter.)

Now, the moral of that story to us in the words of the Bishop was this. He said, "I am afraid we have got too many first class passengers in the Episcopal Church." (Laughter and applause.) You see the point. I leave you to make the present application, because the time is short.

I should like to say further that one of the memories that we will take away from Providence in addition to the hospitality which has been extended to us, in addition to the fine opening of the doors of Brown University, the contact with the men who constitute the members of its Faculty, the men in the classes, who have been to our meetings, one of the principal memories we will take away is the hearty coöperation we have had from the President of the institution and the fine words of cheer, enthusiasm and inspiration that we have heard from his lips. (Applause.) I am sure that I voice the sentiment of every member of the League and of the Association that the words of President Faunce at the opening, his words this morning, especially his words tonight, have been a great source of profit and uplift to each and every one of us. And let me say that I shall remember, as I am sure you will, his apt quotation from Holy Scripture, "He that sat by the fire and warmed his feet." I tell you, my friends, we do not realize what the effect of our—(the speaker hesitates as he observes the audience, and turning to President Faunce says:—) was it his feet or his hands? (Great laughter and applause.)

PRESIDENT FAUNCE: Sat by the fire and warmed himself.

MR. WOODRUFF: Himself.

PRESIDENT FAUNCE: His whole body.

MR. WOODRUFF: Dr. Faunce, a great theologian as well as a great administrator, advises me that he sat by the fire and warmed himself, (laughter) which makes my point all the stronger.\*

I was going to say a few words in regard to the effect of silence. We come to a meeting like this and we listen to fine addresses; we listen to the great representatives and we feel fired with a certain enthusiasm, but what do we do? We treat them very often with silence. A few weeks ago we were all interested in the dispatches coming from West Point. The Colonel in charge of that great institution of our Federal Government was concerned with a very difficult problem. One of the students had done something to offend the students' standard, the student

#### **The Effect of Silence**

\* And Peter stood with them, and warmed himself. St. John xviii. 18

morale, and the boys gave him "The Silence." They were cutting him out of their life by ignoring him. They were passing him by without notice, and that has driven more than one instructor from there and more than one student.

I want to utter this word of caution: Let us be careful lest we unwittingly give the silence to many of the earnest men and women who are working in our behalf and in our field for the betterment of the whole land. Let us give a hearty coöperation, let us give a word of cheer, let us give a word and give it at the proper time. I want to re-echo what has been said in regard to Mr. Barker. We want to do the same thing in every community. Beware, lest by your silence you break down the influence of noble men and women. This is a great country. I hope that each and every one of us, by concrete, direct, definite effort will do his part towards building it up to a still greater height and making it a still more glorious heritage for our posterity. (Great applause.)

THE CHAIRMAN: I am sure that on behalf of every citizen of Providence, I express our appreciation of what our distinguished guests have said to us this evening, as also of what they have brought to us during the week. The meeting now stands adjourned.

The meeting then (at 11.10 p. m.) came to a close.

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